

THE LIBRARY OF THE
UNIVERSITY OF
NORTH CAROLINA



THE COLLECTION OF
NORTH CAROLINIANA

C378.9
N87s
v.2

UNIVERSITY OF N.C. AT CHAPEL HILL



00044638026

**This book must not
be taken from the
Library building.**



Digitized by the Internet Archive
in 2013

<http://archive.org/details/hearingbeforespe00nort>

7

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building

Raleigh, North Carolina

Thursday, September 9, 1965

**Students, Individuals, Representatives of Organizations
and Alumni of the University**

16

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina

Thursday, September 9, 1965, 10 a.m.

Hearing before Speaker Ban Study Commission
State Legislative Building
Raleigh, North Carolina
Thursday, September 9, 1965, 10 a.m.

Chairman Britt: Ladies and gentlemen, this further session of the Speaker Ban Commission Hearing will now come to order. I'd like to say, for the benefit of the people who are visitors here today who were not here yesterday, we have very few rules about being here and convening, and so forth, but there are a couple of rules we would like to call to your attention. First, there is no smoking in the Auditorium. Secondly, I strongly request that there be no applauding of any speaker or what any speaker has to say; at the same time, no jeering at what any speaker might have to say. We have been very successful, I think, so far, in keeping any unpleasantness to a minimum in these hearings, and I certainly hope that on what probably will be the last day that we will be able to close on the same note. I appreciate your presence, appreciate your being here.

Today we have tried to make up an agenda of a sizeable number of individuals and groups who've asked to be here. So far as I know, every individual and every group that has asked to be heard before this Commission has had that opportunity, or will have had that opportunity when we leave here this afternoon. This morning I desire to call first Mr. Ralph Clontz, Jr., and ask him to please come and take the seat over by this microphone. I would like to say that Mr. Clontz is here at the invitation of the Chairman of this Commission. Prior to the hearing several weeks ago, or at the time of the hearings, at least one member, if not two members, of the American Legion group, stated that Mr. Clontz should be asked to come. In trying to be

absolutely fair to all groups to the end that all points of view may be presented to the Commission and to the public generally, I have tried to follow several requests and myself invite any number of people here. My invitation does not mean that I agree with all that those people will say, but we are merely trying to, as I have indicated, be fair in every respect. Mr. Clontz - here is Mr. Ralph C. Clontz, Jr., a member of the Charlotte, North Carolina, Bar. He was born in Davidson, North Carolina; received his academic degree at Davidson College and then received his law degree in June of 1950 at Duke University. During World War II he entered the service as a Private in the Infantry, later attended Officers' Candidate School and was commissioned a Second Lieutenant. He served with distinction in the Armed Forces of the United States during World War II. Now in 1948, while attending Duke University School of Law, he volunteered his services to penetrate communist party activities in North and South Carolina. Accordingly, he worked as a voluntary part-time Undercover Agent for the F.B.I. from 1948 until March of 1951. In March of 1951 he was called to active duty as Counter Intelligence Staff Officer and was stationed in the Department of the Army G-2 Intelligence and assigned by the Army Intelligence to F.B.I. as an Undercover Agent and worked in and around New York City communist party headquarters. That assignment lasted until February of 1953. Since that time, as I've indicated, he has been a practicing attorney in the City of Charlotte. Now, my purpose in asking Mr. Clontz to come here this morning was to give what I believe is information from a person who has worked very closely with this matter of communist activities, not only in North Carolina, but in metropolitan areas of our Country. I believe he knows quite a bit about the subject.

At our hearing several weeks ago, a number of questions were asked by some of the people appearing, something about communist activities, and the answer was, "Well, I don't know, I am just not familiar with that." So I feel that this Commission has not had the benefit of a person whom I would consider anything of an authority on the subject of communism. That is the reason I have asked Mr. Clontz to come this morning. Mr. Clontz will not submit a written statement but will merely answer questions that are proposed to him by the Chairman and by other Members of this Commission.

Mr. Clontz, I assume that I have correctly stated your background and the history of your life, for the most part, up until this time?

Mr. Clontz: That's correct, sir.

Chairman Britt: You are now a practicing attorney in the City of Charlotte, North Carolina?

Mr. Clontz: Yes, sir.

Chairman Britt: Mr. Clontz, I understand that back during the late forties and early fifties that you worked as a Counter Intelligence Officer for the Federal Bureau of Investigation?

Mr. Clontz: Well, in '48 I was an Undercover Agent without an official capacity with the Federal Bureau of Investigation, centering my activities around the University of North Carolina. I actually went on active duty, as you will recall from your statement, in early 1951.

Chairman Britt: Now, Mr. Clontz, in your working with the F.B.I. did you actually join up, so to speak, with communist groups in order to study their operations from the inside?

Mr. Clontz: Yes, I did. I joined the communist party in Carrboro, North Carolina, in January of 1950, as I recall.

Chairman Britt: How long did you work as a volunteer Counter Agent with this group?

Mr. Clontz: Well, I worked with Junius Scales in the vicinity of Chapel Hill from about September of 1948 until the first part of 1951, when I moved to New York. The fact that I did not actually manage to join the party did not mean that I was not working toward that end and was not in direct contact with Scales.

Chairman Britt: Mr. Clontz, at our former hearing we were, this Commission was, given information to the effect that a clear line can be drawn between a person who is a communist from the standpoint of ideology and one who is a member of the communist conspiracy, the international communist conspiracy. How do you feel about that? Do you feel that a line can be drawn between the two?

Mr. Clontz: Well, there again, you are dealing in somewhat semantics. A person who is a member of a criminal conspiracy is a person who advocates overthrowing our Government by force and violence. Now, one may well believe in socialism as an economic system or as a form of government

without being a communist; it's the difference in the method by which they seek to bring socialism here to this Country.

Chairman Britt: Mr. Clontz, along that same line, in your work with the F.B.I. the places you've indicated, and actually as a member of the communist party for the purposes you have outlined, did you find or observe or learn of any person who was a communist who was not at the same time a member of the communist conspiracy?

Mr. Clontz: Well, now, there you've got to define your terms. For example, there were some party members or party supporters in New York who for purposes of security were not officially members of the communist party USA. I would denote them as being members of the communist conspiracy. So I think membership in the CPUSA is not the term. I think the term you've used, membership in the communist conspiracy, is the more accurate term to describe those people that are dangerous.

Chairman Britt: Let me ask you this question and along that same line. Did you find that about every person who became a communist then became very closely associated with the overall communist conspiracy in their ultimate objective of trying to overthrow the Government of this Country?

Mr. Clontz: Oh, yes, very definitely. The communist party is a very highly disciplined party, or it was during the time that I had contact with it.

Chairman Britt: Now, Mr. Clontz, during your work that you have described, did you have occasion to witness the appearance of any communist speakers in the Chapel Hill area?

Mr. Clontz: Yes, I did, on two different occasions that I recall, one off the campus and one on the campus.

Chairman Britt: Do you recall the names of these persons?

Mr. Clontz: Yes, the first one -- and here I am going by recollection -- as I recall, was in January of 1949. That was one John Gates, who was a member, as I recall, of the National Committee of the Communist Party and who was the editor at that time of the Daily Worker. Scales informed me that Gates had been invited to speak on the campus by the Chapel Hill Communist Party and by the student forum in conjunction, and there had been scheduled a speech on the University campus. Several hours prior to the scheduled speech, I was informed that the then Attorney General of the State of North Carolina had issued a ruling that John Gates was ineligible to speak on the campus of the University of North Carolina.

Chairman Britt: Was that by virtue of the 1941 Statute?

Mr. Clontz: Yes, I forgot the citation of the Statute, he taking the position that any communist speaking on the campus would be advocating overthrow of the Government by force and violence.

Chairman Britt: As a result of that, did Gates speak on the campus on that occasion?

Mr. Clontz: No, the Chancellor, I was informed, withdrew the permission he had given Gates to use the college facilities, and he was required to go off the campus to conduct his speech.

Chairman Britt: Now, did you attend that speech that was delivered off the campus?

Mr. Clontz: I got there as it was concluding. I would call it closer to a riot than a speech. As I recall, Gates gave his address from the tail-end of a truck and, as a matter of fact, was requested by the owner of the truck to get off. The majority of the students there were very definitely hostile toward him, and the communist party was very definitely upset at the reception that Gates had received.

Chairman Britt: He did not receive a friendly reception, did he?

Mr. Clontz: No, he didn't.

Chairman Britt: You've indicated that it was almost a riot when you received, you mean the riot was a reaction of the students to what was being said?

Mr. Clontz: Actually, I think it was horse-play that you will find among students, but people were hollering and people were throwing eggs at Gates, and it was rather obvious that he was not being exactly worshipped by the student body. I might add that the Daily Worker reported it entirely different: "1,000 students demand to hear Gates speak."

Chairman Britt: How many students would you say were actually present on that occasion?

Mr. Clontz: No one could have given an estimate. They were milling through the streets and it would be impossible to estimate numbers.

Chairman Britt: Well, would you say, at most, not over a hundred or so?

Mr. Clontz: I would say there were a couple hundred. A lot of curiosity seekers would be attracted by something like this that had been ballyhooed.

Chairman Britt: Now, Mr. Clontz, did you later attend a conspiracy of the communists on the campus?

Mr. Clontz: Yes. Practically one year later, Scales told me that he had managed to get scheduled for speaking on the campus -- and, as I recall, at Gerrard Hall -- one of the top communist theoreticians, what he called a "big" communist from New York, by the name of Herbert Aptheker.. I later knew Herbert Aptheker and I know him to have been at that time the leading communist theoretician. He was invited, according to Scales, by the Karl Marx Study Club, which was a student organization run by the communist party on the campus, and, I believe, under their exclusive supervision and sponsorship.

Chairman Britt: Would you say about how many students attended that speaking?

Mr. Clontz: I frankly don't recall. Gerrard Hall Auditorium was practically filled at the speech.

Chairman Britt: How was that speaker received by the students?

Mr. Clontz: Well, the topic there was supposedly "White Shovenism and Racism." That was the topic announced by the Karl Marx Study Club, but

the speaker actually gave the communist party line. He advocated and talked the necessity of a revolution and he was very positive in his assertions of the communist party line throughout his speech. Now I was impressed by the fact that after the speech there were questions from the audience, and some of the questions were searching questions. They were questions that pointed up the illogical nature of the communist party line. One question that I recall made an impression on me; he was asked, at that speech, if in the Soviet Union anyone could get up at a meeting similar to this and advocate a different form of government for the Soviet Union. His response was that it was out of the question. In the first place, in the Soviet Union, they had found the truth; therefore, there was no point in searching for it any further, whereas, here in this Country, we should continue searching because we weren't a communist country yet and, secondly, that when the revolution had taken place, any who would have advocated capitalism had been eliminated, liquidated; therefore, there would be no one there to make a speech of that sort. Now, I felt that questions of that sort were helpful.

Chairman Britt: Helpful in what respect?

Mr. Clontz: Helpful in demonstrating the foolish dogma of the communist party, the inflexibility of their party line.

Chairman Britt: Mr. Clontz, having seen a speaker speak off the campus in the bed of a truck, and having seen one and heard him speak from a platform on the campus, what is your feeling as to, do you have any feeling as to which was more effective as far as the students are concerned?

Mr. Clontz: Yes. I personally feel that no communist should be given state-supported facilities to speak on the campus. I base that largely on the reaction I got from the communists. The communists concluded that their presentation on the camous was much more effective. This fellow Aptheker had, to some extent, a bit of respectability from being allowed to come on the campus, whereas Gates, having been branded as an outlaw by the Administration, there was less danger of students listening to him other than out of curiosity.

Chairman Britt: Mr. Clontz, is it now your feeling that no communists should be permitted to speak on our campuses, our state-supported campuses?

Mr. Clontz: That is my feeling. I see that there are two sides to the coin, but I personally feel that no person advocating the overthrow of our Government by force and violence should be given state-supported facilities to try to overthrow it.

Chairman Britt: How about in the matter of scientific subjects and other cultural topics?

Mr. Clontz: Well, I think my statement would answer that. If an expert on a subject were to be brought in by a department, undoubtedly, some Russian scientists could be helpful, but that would be an entirely different situation; that would not be advocacy; that would be bringing in a speaker for a technical purpose.

Chairman Britt: Now, Mr. Clontz, what is your feeling about the matter of the Legislature forbidding by law the appearance of a communist on our state-supported campuses or leaving the matter entirely up to the governing boards, under strict regulations or supervision? Do you have an opinion about that?

Mr. Clontz: Yes. There again, Mr. Chairman, I don't think it's completely black or white. My position is this. Based on information that I have obtained, and not on personal knowledge, I feel that the situation in 1963 was such that it merited some action being taken. Now, my personal feeling is that the Speaker Ban Law goes about it the wrong way. To me, it's the matter of the stockholders being unhappy with the way the board of directors are running the corporation and instead of kicking out or jacking up the board of directors, they start to run the corporation themselves. I don't think that's a sensible solution. At the same time, I do feel that something should have been done. I certainly feel that conditions were such that the General Assembly was warranted in being disturbed in 1963 at the time this law was passed.

Chairman Britt: Mr. Clontz, now that this law has passed and was passed by the 1963 General Assembly, it has received widespread publicity and discussion throughout North Carolina. During these hearings, it has received more or less penetrating study, I think, and discussion throughout various groups, and people of North Carolina have been informed, to a large extent, about the problem and about the situation as it now stands. Do you feel that now, if the Board of Trustees of the respective colleges throughout North Carolina, not only the University but all of our colleges, would adopt strict rules and regulations about this matter along the lines that you've indicated, do you think then

that the General Assembly would be justified in returning this authority to the Boards of Trustees?

Mr. Clontz: Well, first of all, I certainly do, and also I'd like to emphasize something I didn't mention. So far as our situation in the University of North Carolina at Charlotte, I can state unqualifiedly that that institution hasn't needed the Speaker Ban Law. Now, whether it was necessary other places -- I know that the high caliber of the Board of Trustees that we have in Charlotte is such that they don't need a Speaker Ban Law to regulate the activities on the campus.

Chairman Britt: Mr. Clontz, I believe that's about all the questions I care to ask. Do you have any other brief observations that you'd like to make?

Mr. Clontz: No. I'd be glad to answer any questions.

Chairman Britt: All right, sir. I now ask if there's any member of the Commission to my left that would like to ask Mr. Clontz a question, any member of the Commission to my right. Mr. Zollicoffer has a question.

Mr. Zollicoffer: As I understood, Mr. Aptheker -- when he appeared -- advocated overthrow of the Government in his speech?

Mr. Clontz: Yes, sir, he did.

Mr. Zollicoffer: Then he violated the 1941 law?

Mr. Clontz: Yes, sir.

Mr. Zollicoffer: Was he prosecuted for this violation?

Mr. Clontz: Obviously not, sir.

Mr. Zollicoffer: Do I gather that this is what you have objection to? Is communists' speaking on the campus to advocate overthrow of the Government?

Mr. Clontz: Yes, sir, that's precisely my objection.

Mr. Zollicoffer: Now then if the Administrators of the University prosecuted the speakers under the 1941 Law, we wouldn't have much problem, would we?

Mr. Clontz: Well, I think if, well, for example, in 1949, the old law was sufficient to keep John Gates from speaking on the campus. The same law was on the books; I think it was a difference in the attitude of the Administration one year later. I don't think the Speaker Ban Law was necessary to keep communists off the campus as speakers advocating force and violent overthrow of the Government. Does that answer your questions?

Mr. Zollicoffer: At the time you were associated with the communist party or communist conspiracy, were there a large number of students at Chapel Hill who were members of this party or conspiracy?

Mr. Clontz: Well, there you're talking in relative numbers. Compared to the entire student body, obviously there were very few. I would estimate between fifty and a hundred. But I think that's too many. I think if it were only two -- That's the thing that has concerned me. The young people -- for example, Scales was not a communist when he went to Chapel Hill.

Communism was in existence, according to him, and he was infected with communism when he moved to Chapel Hill from Greensboro. I saw an instance in the eastern part of our State where a young man I know had been brought up in a Christian home with a good background; I had known him as a child; certainly nothing in his background would lead you to believe that he would be susceptible to communism. That young man went down the drain; is no longer a useful citizen. So I feel that even if two or three are taken down the drain, I think that's too many.

Mr. Zollicoffer: Now, you stated that the conditions at the University were different in 1963 and, therefore, necessitated possibly some action on the part of somebody because the Legislature came in in '63 and enacted the Speaker Ban. What was the difference in the conditions on the campus in 1963 and, say, in 1950 or '51 or '52?

Mr. Clontz: Well, let me first differentiate between my personal knowledge and what I am concluding from reports I have read of the Committee on Un-American Activities. I certainly don't conclude that conditions on the campus in 1963 were worse than they were in 1950. That certainly was not my intention. My conclusion, from hearings that I have read transcripts on conducted by the Committee on Un-American Activities during 1963 and 1964, my conclusion is that there were communist splinter groups extremely active on the campus at the University of North Carolina. So it isn't a matter that conditions were worse. I say that conditions justified concern about communist activities.

Mr. Zollicoffer: Thank you.

Mr. Kirby: You say that concern of the General Assembly was justified, but I believe you also said that the law, as passed, was the wrong approach to the problem. Now, would you elaborate on that, please, sir.

Mr. Clontz: Well, I feel this. I think the General Assembly could have gotten the message to the Board of Trustees or to the Administration by a resolution. It's sort of like that story that I am certain you've heard, supposedly originating in Union County, of the northerner that came down here and set up farming, bought himself a plow and a wagon, and a mule, and early in the morning he hitched the mule up to the plow and told him to get up and the various things he thought you were supposed to say, and the mule just stood there and wiggled his ears. An old Union County farmer came over there and said that mules are intelligent and they're sensitive and they're sweet, all you have to do is communicate; and he said, "Well, you'll just have to show me," so the farmer went over and got a fence post and hit him right between the eyes with a resounding blow and then just clucked, and the mule went right down the line. He said, "Well, I thought you said they were gentle and sensitive." And he said, "Yes, but first you've got to get their attention." Now my feeling is that they could have got the attention of the Board of Trustees without actually having to pass the Speaker Ban Law. I think something was necessary and I think something less drastic might have got the attention.

Mr. Kirby: Then you feel that our basic protection is provided by the 1941 Law, which prevents persons appearing on the campus of any state-owned property anywhere within the State?

Mr. Clontz: Well, I think that's our basic protection, but I also feel that the Administration at our State institutions should make clear their attitude as being anticommunist. Now, I am certain they are anticommunist, but I feel that there hasn't been sufficient communication. People don't realize their attitude.

Mr. Kirby: In your work, did you find any problem at any place other than Chapel Hill?

Mr. Clontz: Well, actually you'd have to define "problem." Did I find communists active? Is that what you wanted to know?

Mr. Kirby: Yes, that's what I wanted to know.

Mr. Clontz: I found, for example, at Duke there were no - excuse me - communists active in the student body. That is the reason Scales made such a play, when I wrote him and indicated that I was interested in communism; the Administration at Duke was not then tolerant toward communists. I got the impression in talking to Scales not that the Administration favored communism, not that they were soft on communism, but that as part of a liberal attitude they tolerated communists, and at that time the other institutions in North Carolina, according to Scales, did not tolerate communism. For example, you would not have had a Karl Marx Study Club on the Duke campus at that particular time.

Mr. Kirby: Let me ask you this question. You say you attended two talks by communists, one on the campus and one off the campus?

Mr. Clontz: Right, sir.

Mr. Kirby: Now did either of these meetings, in your opinion, were they so well put on, so to speak, that they would get new members for the party? Were they favorable publicity for it? Let's put it that way.

Mr. Clontz: Let me put it this way. No one, after listening to Aptheker would have rushed down and signed up, but that was not the purpose. The purpose of these public appearances was to arouse curiosity and interest and then, for example, after the Aptheker speech, I saw a few young students standing around being encouraged and being sold the bill of goods by the communists who were there for that purpose. That was the purpose of the speech. It was not to make converts. In the first place, the communist party wasn't that easy to join. The purpose was to arouse interest and give contact to the active communists, who then could attempt to convert the young people. Now, that same situation wasn't possible off the campus.

Mr. Kirby: You mentioned other communists. Was there a retinue that went with this speaker? Other communists?

Mr. Clontz: Yes, sir. There were regular communists on the campus who were open communists. This was not a secret. It was well known.

Mr. Kirby: You mean, these were local and not people who came in with the speaker?

Mr. Clontz: Right. The speaker came in as a national figure to arouse interest and the local group then capitalized on the audience that was garnered,

Chairman Britt: Mrs. Swindell, do you have a question?

Mrs. Swindell: Yes. I'd like to ask you if the University took any cognizance of this speaker, Aptheker; was anything done on the part of the University officials after he made his speech there?

Mr. Clontz: No. Nothing was done either before or after. As I recall, even at that time it was necessary to get permission from the University of North Carolina Administration before you could reserve Gerrard Hall; and when they requested the reservation, it was granted. There wasn't a discussion.

Mrs. Swindell: Were there any University officials at the speaking?

Mr. Clontz: There you have to define terms. There was one assistant instructor at that time that was a communist. If you mean was there anyone there in an official capacity representing the University, absolutely not.

Mrs. Swindell: Well, now, you opened another thought there. You said there was one assistant professor was at the meeting who was a communist?

Mr. Clontz: I assume he was at the meeting because he logically would have been.

Mrs. Swindell: Do you know he was a communist?

Mr. Clontz: Yes, I know. I wouldn't have said so if I hadn't had knowledge as a communist.

Mrs. Swindell: You had proof of the fact he was a communist?

Mr. Clontz: Yes.

Mrs. Swindell: Did you have proof of any other professors at the University at that time who were communists?

Mr. Clontz: No, I had no personal knowledge about any other members of the faculty. He, as I recall, was an instructor in French.

Mrs. Swindell: Well, now, one other thing. You said that you did not think communists should speak on the University campus?

Mr. Clontz: That's my personal opinion.

Mrs. Swindell: All right, then you qualified that by saying you thought scientists or cultural specialists, in any line, should be allowed to speak. Would you limit that audience to those who were interested in that subject?

Mr. Clontz: Well, that, I think, would be practically impossible. There, I think it's a matter of using judgment. If the science department wants to invite a Russian or a Rumanian, or any other communist national, to come and impart worthwhile knowledge or information, that's something that they should be able to regulate with just using common sense.

Mrs. Swindell: And then that would be open to any student who would like to attend?

Mr. Clontz: Yes, but as a practical matter, only those that were interested in science would attend if this were a legitimate technical discussion.

Mrs. Swindell: That's correct. Just one more thing. Will you, please, justify the difference between the CPUSA and the communist conspiracy that you mentioned just now?

Mr. Clontz: Well, now, this is something that has got confusing since I was actively involved. At the time I first started investigating communists in North Carolina, the only communist group of any significance was the Communist Party USA. Now, that picture has changed. There are -- and this is not based on personal knowledge, it's based on my research -- today there are various, what they call, splinter groups that have broken off. As you know, there is an argument between the Soviet Union and Red China as to the method by which we're to be destroyed. The people in 1953 were of the Red Chinese attitude.

Mrs. Swindell: That far back?

Mr. Clontz: Excuse me -- 1963. I'm sorry. According to the Committee on Un-American Activities, these were what the communists called Trotskyites. A Trotskyite was a person who openly came out with advocating immediate revolution. The communist party line was "revolution when all of the conditions are right." For example, if World War III starts, then is the time for the revolution. If a depression starts, then is the time. These others advocate revolution regardless of the cost, regardless of whether the time is right, and they actually, in many instances, had been expelled from the communist party. Now, for example, this group that were reportedly active in 1963 were connected with those who defied the State Department in going to Cuba. That group advocated the more violently revolutionary

branch of the communist party. But the communist conspiracy, I would give as a definition, anyone who would aid either the Soviet Union or Red China or Castro in overthrowing our Government by violent revolution and imposing on our people against their will a Soviet Union of America. That's my definition of the communist conspiracy.

Mrs. Swindell: Well, thank you very much.

Chairman Britt: Senator Hanes.

Senator Hanes: You say that during your time there was one assistant professor who, to your certain knowledge, was a communist?

Mr. Clontz: Yes, sir.

Senator Hanes: Let me ask you, did you call this to the attention of the University in any way?

Mr. Clontz: Well, obviously, I would not. I was an undercover agent.

Senator Hanes: But there must have been some way you could have got this information indirectly to the University officials?

Mr. Clontz: Well, let me say, first of all that it would have been ridiculous. I learned of his being a communist before I ever penetrated the communist party. I learned of his being a communist while a law student at Duke University. If it were that public knowledge, I don't think anyone needed to tell the Administration. I feel that they should know what's going on on the campus, and it was widely known that this individual was a communist.

Senator Hanes: Well, you say it was widely known, but that doesn't necessarily mean that the University officials knew it.

Mr. Clontz: No, I have no personal knowledge that they knew it. I simply feel that in the exercise of ordinary prudence they should have known it. He was that openly connected with the communist party.

Senator Hanes: And you felt no obligation or responsibility, knowing that he was a communist and that nothing was being done about it, to get the word to the proper authorities?

Mr. Clontz: No, I certainly didn't. I would have considered it a completely futile gesture because I think it was widely enough known that had they been concerned, it wouldn't have been necessary for me to bring it to their attention.

Senator Hanes: Had you been a student at the University rather than at Duke, would you have felt the responsibility to bring this to the attention of the University?

Mr. Clontz: There again it would depend on whether bringing it to the attention of the University would have interfered with the operation in which I was engaged. My penetration of the communist party was of far more importance than one individual on the faculty.

Senator Hanes: Now, you have stated that Charlotte, that is the University of North Carolina at Charlotte (I have a hard time keeping the names straight now), has a Board of Trustees of very high caliber so that they don't need any outside direction?

Mr. Clontz: That's right, and I am sure that's true of many other institutions. Let me make it clear that I am not saying that the Trustees of the University at Chapel Hill are not a high, upstanding group of people. I know of no one for whom I have greater respect than Bill Medford, who was here yesterday, but I have only personal knowledge as to the overall composition of the Board of Trustees of my own home town. The leadership there of Addison Reese, Oliver Rowe, and others, is such that I have enough confidence in them that I know they never needed a Speaker Ban Law to tell them how to run the institution.

Senator Hanes: Well, I don't think we need it at Winston-Salem State either.

Mr. Clontz: I'm not implying that you need it there.

Senator Hanes: Now let me ask you this because you weren't here yesterday?

Mr. Clontz: No, sir.

Senator Hanes: It was suggested by the President and Chairman of the Board of Trustees of East Carolina that the decision of who shall or shall not speak on a campus, whether communist or not, should be based on a decision as to whether the speaker brings to the university or the college knowledge which is essential or desirable to the educational process which is not otherwise available. Does this criterion make sense to you?

Mr. Clontz: Yes, it does.

Senator Hanes: Now, let me ask you, further. Aptheker, it seems to me, under this definition, would not -- well, in the first place, he shouldn't have been allowed to speak because of the '41 law -- but forgetting that, he was not bringing to the University anything not otherwise available, or anything else, and it's my understanding that under this definition he would not be allowed to speak?

Mr. Clontz: That would be certainly my understanding.

Senator Hanes: But suppose you had, as Harvard did, and we heard from a law professor at Harvard, that they had for, I think, a two or three weeks' seminar, maybe longer, an outstanding Russian lawyer to speak to the law class, one of the graduate, I think, law classes at Harvard University; this would come under a reasonable allowance, would you say?

Mr. Clontz: Yes, I would think so.

Senator Hanes: It was right funny. It was asked whether he was under constant supervision of the faculty, and the answer was, "He certainly was; he spoke not a word of English and a faculty member had to translate for him." So under this definition, then, we would invite people -- we would invite as speakers only those people who would contribute to the ongoing education of the University and contribute something that was not otherwise readily available?

Mr. Clontz: That certainly seems a fair test.

Senator Hanes: Well, then, just one other question and I'm through. The Mymalian Society of the United States was contemplating a meeting in

North Carolina. Because of the Speaker Ban Law, they decided to meet elsewhere because they were inviting to their meeting zoologists from Poland, Czechoslovakia, Yugoslavia, various Iron Curtain countries, and Russia. Do you feel that this would be objectionable?

Mr. Clontz: Well, in the first place, I think they were making much ado about nothing.

Senator Hanes: I agree with you.

Mr. Clontz: To start with, not over ten per cent of these Russian area countries' population are allowed to be communists. Now, generally speaking, they wouldn't let a scientist out of the country that wasn't politically reliable and a communist, but I don't think the General Assembly or the Law was intended to aim toward nationals. I think this is more designed to prevent traitors to our own country. Certainly, you would expect the communist from the Soviet Union to be in favor of communism and in favor of the Soviet Union. I think you'd be foolish not to expect them to. I don't think that was.

Senator Hanes: I suspect so, but I wouldn't anticipate that a zoologist from Prague would have a great interest in politics in the first place.

Mr. Clontz: No, not in our Country.

Senator Hanes: Thank you very much.

Chairman Britt: Mr. Clontz, we certainly appreciate your coming, and one or two members have expressed a desire to talk with you during the break or during the noon hour. I hope you can stay around a little bit. Thank you very much.

Mr. Clontz: I'd be glad to.

Chairman Britt: I notice in our audience a very distinguished North Carolinian, who served, I suppose, as Governor of our State longer than any other man in history. I want to ask him to come to our platform at this time for a very brief statement. I refer, of course, to the Honorable Luther Hodges, former Governor of North Carolina, former Secretary of Commerce. Governor Hodges, we certainly appreciate your coming over this morning. He has come at the invitation of the Chair to make such a brief statement as he may desire. Glad to have you.

Governor Hodges: Thank you very much, Mr. Chairman, and members of this distinguished Committee. I am Luther H. Hodges of Chapel Hill, North Carolina, speaking as an individual citizen of our State. Ordinarily, I would much prefer to not take part in public discussion on controversial issue, but, rather, remain in the background and try to help the State through my public service in the Triangle, and otherwise. From my contacts, public and private, these last ten years, while I served my State and Nation in Raleigh and Washington, I have had a good view of our great State of North Carolina. I have seen and heard comparisons with other states of the United States of America and with certain smaller countries of the world which were trying to develop their industry and diversify their economy. I hope you will pardon a personal reference made for illustrative purposes. Shortly after becoming U. S. Secretary of Commerce, I had an official visit from the President of South Korea, who surprised me by his opening remark. He said, "Tell me the story of

North Carolina's industrial development and its Research Triangle," and then he added, "Would you agree to come to Korea and help me develop my country?" Almost universally, our State of North Carolina is well spoken of, is admired, and respected. I have been asked many times in various parts of this Country and abroad, "Why is your State different?" "How did North Carolina handle the school problem with less turmoil and strife than many other States?" This complimentary question is not easy to answer. I tried to answer it by referring to the spirit of our people, quoting someone who said, "We are conservative in economic matters and liberal in human matters." I would then refer to the traditional leadership of our universities, to our State's well-known leadership, in soil conservation, in health and welfare, and in educational opportunity in our public schools. Our most effective and nationally respected industrial education centers would again emphasize the contribution of our universities and colleges. Only in recent years have the various foundations and the many agencies of State and Federal Governments, especially the powerful and influential Federal agencies of Defense, NASA, and Health, Education, and Welfare, realized that our Nation can only move forward in its research and development by using the faculties and facilities of our universities and colleges. Long before their discovery, we in North Carolina had felt and appreciated the leadership of our institutions of higher learning. Industry and business are also turning in greatly increased numbers to the universities and colleges to help them by contract research or by employing faculty members and graduates to set up and run research facilities for them. These companies are supporting the colleges through gifts and bequests and are

competing broadly for their graduates. All these groups, foundations, Government agencies, and industrial and business firms will quite often look with some suspicion on a State which is having difficulty in its educational affairs or where its leadership is under serious fire. I believe you will agree that any reputation or good name is fragile and can be easily and quickly damaged. In the case of a State or an institution like a university, the process takes longer, the damage is not sudden nor easily seen, but it is certain. This scene could be developed later, but let me illustrate briefly through two experiences.

When our North Carolina General Assembly a few years ago was lowering our multi-State corporate tax, it was pointed out that our State was missing business because hundreds of companies probably never looked at North Carolina because our tax, as shown in literature, was not equitable, so we never had a chance to sell them as they never contacted our State. Within the last sixty days, a prominent representative of a State competing with North Carolina said to me and I quote him-- "We will give you about two years before North Carolina begins to lose its leadership in securing strong support from industry and Government." He did not amplify this remark. We are dealing with a very difficult subject today. I do not criticize or question the sincerity of those who voted for the Speaker Ban Law. I am sure a majority of the legislators and of the public felt at the time that it was a simple question of being for or against communism. This is an over-simplification. But the Law is on the Statute books, and the people don't feel they want it off unless they have the assurance we are all against communism, which, of course, we are, and that they will be given

protection in our institutions of higher learning. In any college or church, in any government or business, there are and always will be a few cranks, a few hotheads, and a few extremists. In some of our State colleges, both public and private, there are a few, but very few, who cause trouble and concern by their racial activities and demonstrations, which they have a constitutional right to practice, but their judgment and timing are not always commendable. My premise is that damage can come to our educational institutions and to our good State, of which these institutions are such an integral part, and that such damage will be accelerated and intensified by a loss of accreditation or by probation action. This could occur because of our tight legislative prohibition, which takes policy and decision away from the Boards of Trustees. If this premise is sound, I would sincerely and earnestly urge that both sides in this controversy will give a little for the sake of the State. This is the important thing to keep in mind. The public is understanding, understandably emotional on this type of thing in North Carolina and elsewhere, but we must try to be calm and practical in these trying times. Our State and our institutions have seen such times before, have met such problems before and have solved them. In closing, Ladies and Gentlemen, I would like to add that I am greatly impressed by the fact that our competing sister states with people like we are, and with problems and opportunities like ours, have chosen not to have this kind of legislation as their remedy. They are watching us quietly, and with great interest, because they know our leadership is being tested. Thank you very much.

Chairman Britt: Thank you very much, Governor Hodges. Any member of the Commission to my right desire to ask questions? Anyone to my left? If not, we excuse you, sir, with our greatest appreciation for your coming. Thank you, sir.

Chairman Britt: Ladies and Gentlemen, at this time I desire to recognize a very distinguished member of the Washington, North Carolina, Bar, Mr. John A. Wilkerson, who will speak on behalf of the North Carolina Alliance of Conservative Republicans. Mr. Wilkerson, we're glad to have you.

Mr. Wilkerson: Thank you very much. On behalf of the organization which I represent, I thank you for allowing us this time and the privilege of appearing before you.

Chairman Britt: Do you have a prepared statement you want to pass around to us, sir?

Mr. Wilkerson: Yes, sir, I'll pass it around. First, I'd like to make it clear, Mr. Chairman, that I do not purport to speak for the Republican Party as a whole. The group that I represent consists of several thousand persons recently organized to act through - at the moment at least - the Republican Party, but we subscribe to many of the beliefs that the Democratic Party has traditionally been associated with over the years. I should like to say first that this Commission is composed, as I know personally several members, of very high type people who are fairly representative of the people of the State. However, let me point out what is obvious, that all of you are Democrats, and that your, whatever recommendation you make here, whether you like it or not, will necessarily have some sort of partisan flavor by reason of that

fact. Now, if I were interested simply as a Republican, I would hope that you brought forth a recommendation calling for the repeal of this Law because, as a Republican, I can think of no better issue that the Republican Party could take before the people of North Carolina at the appropriate time than that the Democratic Party in North Carolina had turned its back on this legislation, which it had proposed and passed. However, I would be a poor Republican or a poor Democrat if I allowed theories of partisan advantage to override my judgment on a question that I think is as important to the welfare of all of us -- Republican, Democrat, and Independent -- as this particular legislation which you are studying. We are not living in a vacuum. We are not considering this proposition from an ivory tower. We are confronted, Gentlemen and Lady of this Commission, with the awful reality of the late twentieth century, when we are literally engaged in this Country and elsewhere in the free world, by a struggle for survival against the most powerful organized and fanatic group that has ever attacked the basis of Western and Christian civilization, and whose attack is pitched on many levels and is aimed at us both from without and from within. Now, I know I have a prepared statement here, in which I have quoted from a number of persons and from a number of legal opinions concerning the reality of the communist danger and the justification for States, as such, and for the National Government, for that matter, to take measures that might seem at first blush to be aimed at freedom of expression in and for the ultimate and all-important necessity of preserving the basic freedoms, one of which is freedom of expression. Now it's perhaps redundant, but let me just remind you of something. Never in the history of the world has any country made the effort short of all-out war that we have made in the last twenty years to combat communism. We have spent a trillion

dollars on National defense in the last twenty years. That's \$20,000 for every family in the United States. Suppose that money could have been diverted to some other beneficial use. We've given away a hundred billion dollars for the sole and exclusive purpose - or so we say - of strengthening the free world against communism. We could have taken that much money and duplicated every educational institution of higher learning in this whole Country and still had enough money left over after we had done that to finance research against disease into the next millenium. We have made a truly stupendous effort. As we are sitting here today, American boys and dying, what for, around the world. For the sole and exclusive purpose of trying to contain communism. And that proposition has been enthusiastically supported by the overwhelming majority of the people of this Country. We are not considering an abstraction. We are considering a gigantic conspiracy aimed at our very survival, and, therefore, any action taken ought to be firmly, firmly, pictured against that background. Now, I don't think that anybody on either side of this question for one moment that has appeared before this Commission or will appear -- or the overwhelming majority of the people of North Carolina -- want to do anything to advantage the communists. Of course, not. And everybody on both sides of the question would say, "Why, if anything would tend to help the communist conspiracy, we're not only justified, it's imperative that we govern our actions in order to strengthen our defenses." Now, clearly, the most eminent authority upon communist subversion in the United States is J. Edgar Hoover. Mr. Hoover has recently written extensively on the danger of communist infiltration into our educational institutions, but the following quotation taken from a speech, made by him

on November 16, 1963, to the National Convention of the Catholic Youth Organization, seems directly on the point. He said, "Today the communists are engaged in an intensive campaign to control the minds and win the allegiance of American youth. Toward this end, a National Yough Commission has been established within the communist party USA; special publications have been issued; front groups have been organized, and an ambitious speech program has been directed against our colleges and universities. During the past two years, communist spokesmen have appeared on nearly one hundred campuses from coast to coast. Their purpose: To create confusion, raise questions and spread doubt among our young people concerning the American way of life. It is indeed ironic that communist party speakers, whose minds and thoughts and actions are in no manner free, should demand the opportunity to parrot the Moscow line to young Americans under the guise of academic freedom. Academic freedom is not an instrument for the perpetuation of conspiratorial ideologies. Nor is it an agent of self-destruction - a freedom to destroy freedom. As a free-flowing channel of truth and knowledge, adademic freedom is not obligated to carry along the silted tributaries of lies and distprtions of known communists."

Now, the University of North Carolina, through certain of its officials, has been particularly active in its campaign to have the law you are considering either repealed or emasculated. President Friday appeared yesterday before this Board. He has been one of the leaders in opposition to it. Now, the author of this brief, Gentlemen and Lady of the Commission, does not yield to President Friday or exChancellor Aycock or anyone presently connected with the University of North Carolina in his devotion to this institution. He spent seven years at the University from 1927 to 1933. While

there he participated in a wide range of student activities which ranged all the way from co-founder of the Young Republican Club with Charlie Jonas to leader of the students' organization in support of Frank Graham for President of the University. He organized the direct ancestor of one of the present campus political parties and touched many phases of campus life. Now, it was no secret then that there were communists on the campus then or that there was at least one faculty member who was a member of the communist party. -- I might interrupt my prepared statement to say that the situation in 1932 was quite different from what it was in 1963 or in the early 1950's when the preceding speaker was here. We looked on the communists as a joke. What fools we were. We laughed at them, but they were there then, and I speak from personal knowledge, we had no such left-wing orientation of University speaking programs that have been so conspicuous there in recent years. --

Now, the University of North Carolina is not a communist center, but -- I interrupt again and say that if the preceding speaker is right, and I certainly have every confidence in his integrity and knowledge, and if while he was at the University there were between 50 and 100 active members of the communist organization on the campus, that is a frightening thing. I've been head of many organizations on the campus while I was there and I say neither the Young Democrats nor the Young Republicans ever had a 100 members over there except at election time when everybody, but as a constant working group the communists, if that's true, had more than either the Democrats or the Republicans in my time, but the communists do work there as in other educational institutions and they have had an impact upon student life.

Now, it is noted that some witnesses before this Commission have

attempted to attack the constitutionality of these Statutes, and I see one of them is a good friend of mine I knew at the University, sitting right out here in the audience. Now, the Commission's attention is referred to the excellent opinion from the office of the Attorney General of North Carolina. But the main attack has been centered around the allegation that because a Communist is not permitted to use the public facilities of our institutions of higher learning as a forum, that our schools will lose accreditation and foundations will cut them off from grants. Mr. Chairman, in the hearings before this Commission it was reported last month in the Raleigh News and Observer (and I might say, in my opinion, that is seeing through a glass darkly) for August 12, 1965, that Dean Emmett B. Fields of Vanderbilt University, spokesman for the Southern Association of Colleges and Universities, made a statement and answered questions. According to the newspaper report he was asked if any steps had been taken by his organization concerning the accreditation of schools from his own State of Tennessee which has a law on the statute books prohibiting the teaching of the theory of evolution. The Dean admitted that this was an abridgment of academic freedom but conceded that there had been no threat to the accreditation of Tennessee schools. That seems to us to be a rather remarkable situation. A theory that has become the foundation of modern biological science is banned by law from being taught in Tennessee schools. The public institutions are presumed to obey the law in Tennessee as elsewhere and yet apparently graduates of the University of Tennessee, Vanderbilt University, and others getting degrees in biology for instance without any question as to the validity of the degree. Of course, we know that that law is being ignored in Tennessee but that does not excuse the lack

of action of this organization which has suddenly become so sensitive to the denial of the right of communists to speak on North Carolina property.

Now, this is not the only inconsistency that Dean Fields was guilty of. The same issue of the News and Observer contains the following account. I call the Chairman's attention to it specifically. "Chairman Britt (and I am quoting from the News and Observer) asked Fields if he thought it would be proper to prohibit speakers from the Mafia, the international crime syndicate." Fields answered, "It seems to me, at first blush, that would be a perfectly appropriate action." Chairman Britt asked: "Isn't it a difficult distinction to follow? What's wrong with going another step to communism...?" End quote from Chairman Britt from the paper. Now, Let's examine this position of the Vanderbilt Dean for a moment. He thinks it perfectly proper to deny a member of the Mafia, the Black Hand, the right to speak at the University. Presumably this would apply no matter what such a person was speaking about, but he thinks it an abridgment of academic freedom to deny communist the right of speaking. As Chairman Britt observed, the distinction is difficult to follow. Certainly the Mafia is guilty of no more crimes than the communists. The devoted member of the Black Hand eagerly enters the life of crime but so does the communist if he thinks it will advance his causes. The member of the Mafia will admit that he is doing wrong but attempts to excuse himself but the communists, while committing any and every crime in the book will deny that there's any such thing as right and wrong. At its worst, the Mafia is only one of the termites eating at national security while the communists are a swarm of army ants that threaten its immediate destruction. There is one other distinction that perhaps would not, on second thought, escape the

attention of Chairman Britt -- for all I know it may not have at that time, Mr. Chairman, but simply had not been reported -- and that is that the appearance of a Mafia gangster on a public platform would not be calculated to convert anyone to a life of crime but the successes that the communists have had in duping some of our brightest young people -- right here in North Carolina, for instance, Phelps and Scales come to mind, the brightest of young people -- in our colleges is all too well known.

Speaking of inconsistencies, it is very interesting to note that yesterday President Friday said, according to the Associated Press staff writer Bob Wood, that the University of North Carolina would not knowingly employ a communist party member as a faculty or staff member, presumably in spite of whatever other qualifications such a person might have. Now, members of this Commission, isn't it strange that the University President would think, and properly so, that it is improper for a communist to teach mathematics or science or something else unrelated to his ideologies, yet to insist that it is wrong to keep a communist from speaking at the University. In this connection, if these various associations and accrediting bodies are going to withdraw recognition of our University and our other institutions of higher learning because in spite of themselves they are not permitted to allow communists to speak on their campus, what will they now say about it for not allowing communists to teach mathematics or chemistry. Isn't one just as much a restriction of academic freedom as the other?

It seems wildly illogical to us in the same breath to declare that no communist will be allowed to teach at your school and then moments later protest that your academic freedom is being vitally curtailed when a

communist is not allowed to preach his doctrines on your campus. However, this is in the same pattern, Gentlemen of this Commission and Lady, with another major inconsistency. This Study Commission has been created because of the statute which attempts to bar communists from speaking in certain state-owned facilities and impose no penalty and yet at the same time not one word has been said by these liberals and college people about Article 4 of Chapter 14 of the General Statutes, which I've heard some Commission members referring to. This Article makes it a felony to, among other things, organize or become a member of any group that teaches that the Government of the United States should be overthrown by force, and according to the last speaker we had from 50 to 100 such persons at the University of North Carolina. It is impossible Gentlemen and Lady of this Commission, to be a member of the communist party and not subscribe to such a doctrine for that is the distinguishing feature of the communist credo and differentiates them from the ordinary pale pink socialist. The communists believe that their goal can be brought about only through revolution. Another one of these same statutes, and I'm soon through, General Statute 14: 11 reads as follows: (Not that this Commission doesn't know it, but I believe the people of North Carolina don't know about it. Most of them have forgotten it, and it's worthwhile to call it to your attention, too.) "It shall be unlawful for any public building in the State owned by the State of North Carolina, any political subdivision thereof or by any department or agency of the State or any institution supported in whole or in part by State funds, to be used by any person for the purpose of advocating, advising, or teaching a doctrine that the Government of the United States, the State of North Carolina,

or any political subdivision thereof should be overthrown by force, violence or any other unlawful means," (unquote from the Statute) This is the essence of communist doctrine. The first violation of the statute is a misdemeanor, the second is a felony, which is a crime punishable by incarceration in the State Prison. This has been the law, let me remind you, in North Carolina for twenty-four years, nearly a quarter of a century. None of the faculty has raised a single protest about the loss of their academic freedom in those 25 years at any college that I know about in North Carolina. As a matter of fact, the University of North Carolina Law Review, in an article published in 1941, Vol. 19, for those lawyers on the Commission that may wish to read the article, and I commend it to your attention, page 466 -- read that article and you will see that it -- finds no fault with that 1941 legislation but the only difference that appears between the 1941 legislation and that of 1963 is that in the earlier law a punishment, and a drastic one, is prescribed, and in the later law the appearance of the advocator of subversive doctrine is simply prohibited. No, of course I'm pulling your leg, there is one other small difference. In 1941 the communists were not called by name in the statute, and the language of the statute is broad enough to include other revolutionaries as well. In 1963 the law correctly identified the chief group that is engaged in subversion.

In conclusion, Lady and Gentlemen of the Commission, isn't it a strange position to advocate cheerfully the sacrifice of our treasure and our lives to check and muzzle communists everywhere in this wide world where they appear except in the institutions of higher learning of the State of North Carolina?

Finally -- off the record, not off the record but off my printed record -- let me say that I had the privilege once before of appearing before a committee, it was a committee of the whole, of the legislature, at the invitation of the then Governor of North Carolina and of the sponsor of certain legislation that was being considered at that time. I cheerfully appeared although it was in support of the Democratic Governor and a Democratic Legislature, and I took part in the campaign that followed as a speaker and debater on behalf of that proposition. It became the law of North Carolina. I will, and I think every other North Carolinian ought to, lay aside partisan differences whenever we feel we are confronted by a matter as momentous as this. Never fool yourselves. Most of the people who are in favor of this proposition are as loyal and as good as anybody else, but it is no accident that the communists outside North Carolina and inside North Carolina have been the leading, have taken every opportunity they had to condemn the law that is now on the books. If it were not calculated to hurt them, they would not have taken such position and that is so obvious as to need no elaboration. I shall be glad to answer any questions.

Chairman Britt: Thank you very much, Mr. Wilkerson. Any member of the Commission to my left have a question? Anyone to my right? Thank you very much, Mr. Wilkerson, we appreciate your coming.

Chairman Britt: At this time I'd like to recognize the representative from the League of Women Voters of North Carolina. Will she please come to the platform? The League of Women Voters in our State is a very active organization in many communities of the State taking an interest in public affairs.

We're glad to have them represented at this time, and we'll ask the lady who is to speak for this group to identify herself and proceed please.

Mrs. Wakeman: I am Mrs. Charles Wakeman. I am Chairman of the Speaker Ban Study Item for the State League of Women Voters of North Carolina. To my left is Mrs. David Bradley, who is the immediate Past-President of the League of North Carolina, and seated behind me is Miss Louise Pittman, who is our current President of the League of Women Voters of North Carolina. Mr. Chairman, Mrs. Swindell, Members of the Committee, and Ladies and Gentlemen. We appreciate this opportunity to appear before the Commission and express the League of Women Voter's feelings about the Speaker Ban Law. We know how valuable your time is and we will be brief.

We will take a minute to describe the League of Women Voters for you, since some of you may not be familiar with the organization. We are a relatively new group among North Carolina's women's organizations. We organized in 1951 with seven local chapters. We now have 18 local chapters with nearly 1600 members, having shown a growth of one-third in both the number of local chapters and in membership in the past three years.

Our local League represent various types of communities, depending on their location. Six are mountain Leagues, including Asheville, Tryon, Brevard, Boone, Henderson County and Jackson County. We are also organized in the state's largest cities; Charlotte, Greensboro, Winston-Salem, Raleigh and Durham; and in growing communities, such as Burlington, High Point, Hickory and Wilmington. In addition to some of the mountain Leagues, our chapters are also found in the smaller towns of Chapel Hill, Sanford and Louisburg.

The League of Women Voters of the United States is a volunteer organization which promotes political responsibility through informed and active participation of citizens in government. It is open to all women citizens of voting age.

The foremost principles under which the League operates are that we believe in representative government and in the individual liberties established in the Constitution of the United States. We believe also that democratic government depends on the informed and active participation of its citizens.

The League of Women Voters is a grass roots organization in that the members themselves choose their study program. Items for study concerning state government are recommended by the state board based on suggestions from the local Leagues and voted on by delegates to the biennial state Convention. At the 1964 state Convention held in Asheville, in spite of an already heavy work load, the delegates from the local Leagues felt that the Speaker Ban Law was so important that they raised the issue from the floor and, after due discussion and consideration during the three-day meeting, they adopted this item for study by a two-thirds vote.

Subsequently the local Leagues were provided with background material by the state League. A partial list of these materials includes a copy of the bill and the relevant laws of 1941 and 1947; the text of the First Amendment to the United States Constitution; a statement by Ralph Moody, North Carolina Deputy Attorney General; published statements by legislators who supported and who opposed the bill; a balanced list of pros and cons taken from editorials and letters to the editors in the various newspapers throughout the state; and

several articles on both sides, including one by Prof. Van Alstyne and another by Mr. William F. Buckley of the National Review. And I have here a copy of the material which was prepared by state and was sent out to the local Leagues, which served as a basis for their study, and our local committees then went out and got more information to add to this in their local area. This I will put on file with the Committee to examine more closely.

The Leagues then met, as is their standard procedure, in small discussion groups and in general meetings to listen to arguments pro and con on the Speaker Ban Law and to consider how they felt about it. Each local League then reached membership agreement and sent their report to the state Board. The Leagues all over the state took a strong stand against the Speaker Ban Law.

Now, among the reasons given by the local Leagues for their opposition to the Speaker Ban Law were the following:

1. It conflicts with our basic interest in and support of Academic Freedom. Academic Freedom is, basically, the right of free speech. We believe in freedom of speech for everyone. We believe that democracy can more than hold its own in the battle of ideas.

2. The similar laws of 1941 and 1947 dealing with subversive activities provide adequate protection. These laws prohibit anyone from advocating overthrow of the government by unlawful means not just communists. They also prohibit use of public buildings, any public buildings, for the purpose of advocating such unlawful overthrow of the government. We felt this law was adequate.

3. The difference is that the Speaker Ban Law prohibits certain groups of people from speaking on any subject at state-supported colleges and universities.

4. The language of the law is unnecessarily vague, and we don't want to take the time to go into this in detail, because this has already been handled in previous testimony.

5. The Trustees of the University, elected by the General Assembly, are entrusted with the authority to administer the University. The Speaker Ban Law takes this authority away, thereby indicating distrust of the Trustees.

For these reasons, the League of Women Voters of North Carolina has taken the following public position:

THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA OPPOSES LEGISLATION WHICH REGULATES VISITING SPEAKERS AT STATE-SUPPORTED COLLEGES AND UNIVERSITIES. We base our opposition to regulation of visiting speakers at state-supported colleges and universities on our basic interest in, and support of, Academic Freedom as essential to a firm foundation for our educational system.

Therefore, members of the Commission, the League of Women Voters of North Carolina appears today as an organization which is opposed to the Speaker Ban Law.

Once again, we thank you for this opportunity to appear. We appreciate the fact that citizens of stature and competence are willing to perform this great public service. The people of North Carolina are in your debt. We thank you.

Chairman Britt: Thank you very much, Mrs. Wakeman, and Mrs. Bradley and Miss Pittman. We appreciate your appearing. We appreciate your coming. Thank you very much.

At this time, I am going to ask Mr. John G. Thomas of Dunn, North Carolina, please, to come forward. Mr. Thomas is a newspaper man of the city of Dunn. He is connected with one of the very fine radio stations down there, and he asked to be allowed to make a statement on this subject, and we're glad to recognize him at this time. Mr. Thomas.

Mr. Thomas: Thank you, Mr. Chairman, and Members of the Committee. I'd like first to say that I represent no one but myself.

To use the words of Thomas Pain in the American Crisis "These are times to try men's souls."

This sentence is as applicable today as it was in 1776. Times in 1965 are so confusing to most of us that we are not certain, much of the time, in what direction we are marching.

Before I say more I wish to put myself on record as sincerely believing in our freedoms, especially in the freedom of speech. If I did not believe this I would not be here today. But I do not believe in carrying those freedoms to the point where they are endangered by an enemy who would, unhesitatingly, do away with them. This, presumably, is what we have fought against since 1776 on foreign and domestic soil and this is why we SHOULD fight constantly on our own honored soil.

The Constitution of the United States gives us the sacred right of free speech, but that same Constitution does not make it an absolute right, because the courts have established fairly definite limits in the exercise of this right.

A person has no right, for instance, to make a speech which directly endangers people's lives or property, or threatens the security of the country and of the actual laws which guarantee free speech.

Democracies favor free speech more than do countries with other systems of government because, among other reasons, they need to know the opinion of the people.

But we do not need to know the opinion of communists. They are foreign to our free life.

Before he dropped from power, and on a visit to this country, Nikita Krushchev said, publically, the Soviet Union would bury this nation, in fact, all Democracy, everywhere. Well, this burying, he indicated, would come, not through ordeal of fire and sword, but from within, as a termite eats away wood from the center of a board.

Since Mr. Krushchev was here amongst us this nation has been torn asunder by strife from within and this would seem obvious to us all without going into it further.

Mr. Krushchev made certain that no matter what overtures were made to this nation from Russia, or vice versa, it was the intent of the Soviet Union to topple Democracy and the United States of America.

And a then head of state he was, we assume, talking for all Russians and communists everywhere.

The question being discussed at these hearings would seem to me to be entwined with Mr. Krushchev's threat.

And that threat, of course, was treason as spoken in this country.

The question of accreditation of state-supported schools of this state seems to be a major factor in these hearings. Indeed, for the purpose of this committee, I assume it is the major factor.

But speaking as I do throughout this whole statement, as an individual American citizen only, and not for any group, organization or political kin, I, for one at least, believe that there is much more at stake than accreditation of universities and colleges.

I am not even sure, at this moment, from what I heard over radio and tv from your last meeting, or from what I have read in papers, just whether accreditation means anything at all, or not at the University at Chapel Hill for instance.

However I am not a scholar and cannot be expected to speak on either the merits or demerits of actual accreditation.

This I know, however, in this land, as in all lands since the beginning of time, people have continually had to give up one thing in order to keep a more important one.

It seems to me that something more is at stake here than accreditation. It seems to me that the very soul of America is at stake.

Frankly, I know little about communism except what I have heard from others and from what little I have read. What I do know of it, however, I do not like.

To give any credance at all to a communist, or one who would take the Fifth Amendment in a day when our young men, and some older ones, in a dozen places overseas--and even in this land--are braving death each minute

we sit here, that we may be, and stay, clear of communism, seems to me to be a foolhardy thing.

To me, personally, this is not so much a question of free speech or academic freedom. It is merely, and absolutely, a question of whether we wish those who would destroy us to seek to do it from within while we attempt to stop them from doing it without.

Some claim to doubt the constitutionality of this law we discuss here. Well, I am no lawyer or no student of law, but I wonder if some have not overlooked Article 3, Section 3 of the Constitution of the United States which reads in part--and I quote:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

I submit that when a communist is treated like a guest, whether it be in a laboratory, law class, on the lecture platform, or the stage, the folks in the Kremlin are aided and feel comforted--very comforted indeed.

Let us be realistic and not simply just patriotic. The Russians, even after Gemini 5, are equally if not slightly ahead of us in the space race. They recently defeated an athletic team of ours. They're assisting Cuba, a nation that would, apparently, also destroy us if it could. The Soviets are supplying the North Vietnamese and Red China with equipment to kill our Allies and our own men in Viet Nam. They refuse to pay their share of the cost of the United Nations and yet declare their right in the veto in everything good we seek for the world and that body. They have told us our efforts at nuclear disarmament in Geneva are silly. They seek to drive us out of Germany, and if one can

believe what one reads Russian spies are in this country from coast to coast and border to border.

Knowing all this it is hard for me to believe and believe me, many like me across this fine state, to understand how there should be any question about this law. Thomas Pain may have used the term "These are times to try men's souls" and if this be true how much harder is it to be on the souls of youths who are just forming a knowledge of the world we live in on the campuses of North Carolina.

I'm a very little person compared to those who have appeared here before me, or who may appear afterwards. But in North Carolina I feel that there are many little persons who believe, with a vengeance, that communism in any of its aspects is wrong and hurtful--even the very word. And I dare say that if it were put to a vote today in this state on the question of whether the Speaker Ban Law should stay on the books, this commission would be entirely unnecessary, accreditation, or no accreditation. I asked to be heard today because I believe in what I have said in this statement, and I believe there's no place for a communist in our society either in the ballet, on the lecture platform, in the scientific lab. I love my country, I want it to stay that way as it has in the past, and can be in the future... a sanctuary of freedom for all freedom-loving people. This is why, as an individual American citizen, I came here today in opposition to any move to repeal or amend this so-called "Speaker Ban" Law. And I thank you, Mr. Chairman, and Members of this Committee for your very kind courtesy toward me.

Chairman Britt: Thank you very much, Mr. Thomas. We appreciate your coming. At this time I'll ask Mr. Charles Aycock Poe to come to the platform. Mr. Poe is a very prominent member of the Raleigh bar, asked to be heard, and we are now glad to do so. Mr. Charles Poe.

Mr. Poe: The people of North Carolina appreciate the fair and thorough manner in which you are carrying out the difficult job thrust upon you. Thank you for giving me this opportunity to say a few words, as President of the Phi Beta Kappa Chapter for Wake County and surrounding counties in this district of the state. I hope you won't be criticized too severely for permitting this state-owned facility to be used as a forum by persons commonly known to be so far out of touch with reality as college professors and Phi Beta Kappa members.

Yours is a tough assignment. There are those who swear by this law and those who swear at it--and in both groups you find men prominent in our political life, men of intelligence, men as to whose patriotism there can be no question.

It is not difficult to understand how this law has met with some popular favor. Communists are our enemies; this law is aimed at squelching communists; therefore it must be a good law. To many, it seems as simple as that.

But is it that simple? Is the suppression of free speech the best way to deal with the communist menace? Isn't that one of the things we detest most about the communists--their suppression of free thought and free speech, their

their squelching of those who would voice contrary opinions, the unwillingness of those in power to permit criticism?

The great Frenchman Voltaire said many years ago: "I don't agree with a word you say, but I will defend to the death your right to say it." It is a basic principle of American democracy that it is better to let our malcontents blow off steam than it is to deprive them of freedom of speech and thereby help foment a revolution. This guiding principle has enabled us to exist for nearly 200 years as a nation without anything remotely resembling a revolt of the people, whereas most countries of the world have suffered from numerous revolutions. It is not only hunger for bread which causes rebellion; the hunger for freedom is just as potent a force.

Now, please do not think that I underestimate the gravity of the communist threat. Having spent better than four years as a special agent with the FBI, I am thoroughly aware of the menace and the techniques of communism. I was just a run-of-the-mill FBI agent. I was not infiltrated into the communist organization. However, it was my experience that the heavily industrialized states, particularly those with large numbers of foreign-born, were much more heavily infested with communists than the State of North Carolina, which has the lowest percentage of foreign-born of any state in the country. I personally am firmly convinced that the FBI can keep abreast of communist activities without the aid of any such dubious law as this. The other 49 states have no such law. Is everybody out of step but Johnny?

Many of you have read the novel or seen the television play called "1984." In this chilling story, the fascistic government has become so all-powerful that

freedom of speech and thought have been completely suppressed, every home has reverse television so that the government may check upon the secret deeds, words, and thoughts of the people, the national slogan is "Big brother is watching you!", and the citizens have become pitiful, scared automatons. Of course, we are inclined to laugh at any such situation as being inconceivable. However, in my humble opinion, the Speaker Ban Law is a tiny step in that direction. Let's follow this law through to its logical conclusion. If it makes sense to forbid certain people whom we despise from making speeches on university and college campuses, would it not make even more sense for the 1967 General Assembly to expand this law to prohibit any books, pamphlets, or literature written by these same despised people from being circulated or read on the campuses of these educational institutions? If we cannot trust our young people to hear speeches by Russians without becoming subverted, how much more dangerous it is to permit them to read books by these same people. The spoken word dies instantly; the written word lives on, and can be passed from hand to hand without end.

And why limit the ban on speeches and books to known communists and Fifth Amendment pleaders. Why not ban books by Hitler, Mussolini, convicted criminals, Jehovah's Witnesses, the John Birch Society, and various other persons or groups whose views are looked upon by the average citizen as being peculiar or un-American?

A generation ago Hitler had his Storm Troopers burn 25,000 books written by Jews. Only a dozen years ago the late Joe McCarthy's cohorts with the blessing of the State Department embarked upon an orgy of destruction

of books by those whom Sen. McCarthy suspected were too "radical" to suit him. Yes, this sort of thing has been done before.

The trouble is that when we begin to ban and to burn, it's extremely difficult to tell the "good guys" from the "bad guys": to distinguish the dangerously subversive from the merely unorthodox or unconventional or unpopular. Then, too, as has happened so many times in history, the "bad guy" of ten years ago may be this year's hero; the view that was heresy or ridiculous in one century is accepted as true in the following.

Doesn't it make sense to let the people themselves decide what speakers they want to hear, what books they want to read, instead of an edict from above? I am enough of an optimist to think that there is a tendency for truth to prevail. Our college students are intelligent enough and inquisitive enough to discover for themselves that communism is not the answer to the world's problems.

If you will pardon me for a moment for digressing from my prepared statement. In speaking to the Wake County Bar last year, Chub Seawell defined an intellectual as a person who has had more education than his intelligence can stand. That's a cute definition, but I don't think it can be applied to the active members of our Phi Beta Kappa organization for this district of the state. Our 100 dues-paying members include 13 attorneys and wives of attorneys, three of these attorneys being Justices of the Supreme Court, as well as numerous physicians, state officials, ministers, educators, atomic scientists, business executives, and many others who deal every day with the practicalities of life. We felt that a poll of our members would be of interest

to this Commission, and we've got the good return of 71 percent, 71 out of the 100. There's actually 101 members, but one of them was a member of this Commission, so for obvious reasons I didn't ask him to vote. Now of this most of the 71 percent exercised their option of signing their ballots also. Ninety-eight percent voted for repeal or modification of the law. There was only one ballot that was cast by an individual who favored the bill as it is, and those who favored outright repeal of the law outnumbered those favoring modification by better than 10 to 1. Now we are immodest enough to think that this poll of responsible citizens who take a keen interest not only in higher education but in the general welfare and reputation of our state has some significance. Members of the Commission, yours is a difficult task but a magnificent opportunity: the privilege of striking a vital blow in defense of the rights of free men, the chance to say to four million North Carolinians, "We have faith in democracy and we want no part of anything that smacks of totalitarian government!"

When you have completed your hearings and begin to formulate your conclusions, we pray that the only question confronting you will be whether you shall recommend that the law be drastically modified or repealed outright. We know some people are urging modification as a practical solution which they feel might have a better chance of adoption by the General Assembly, but we hate to see this thing alive and kicking, where it can spatter mud on the noble escutcheon of North Carolina. This thing can spread like a cancer. When a surgeon operates on a cancer, he doesn't cut out part and leave the other remaining. He cuts out the whole thing.

We hope you will recommend that the General Assembly do likewise.

Chairman Britt: Thank you very much, Mr. Poe. We appreciate your statement, appreciate your coming. At this time, the Commission's going to take a seven-minute break, and we will reconvene at exactly five minutes to twelve o'clock.

--

Chairman Britt: Will Mr. Hugh Wells please come to the front. Is Mr. Hugh Wells here? Are you Mr. Wells? Have a seat right there, please. Visitors will please take their seats. Members of the Commission will please take their places. We have a very heavy schedule, and we certainly want to resume to the end that everybody can be heard. At this time we wish to recognize Mr. Hugh A. Wells, a member of the Raleigh bar, who will make a presentation at this time. Just one minute, Mr. Wells. Mr. Wells, you have a printed statement, do you not?

Mr. Wells: Mr. Chairman, Mrs. Swindell, and Members of the Commission, first let me express my appreciation for this opportunity for being here and expressing my views. I speak as a citizen of North Carolina, as a lawyer, as a parent of a student of the University of North Carolina, and as an alumnus of the University, and, incidentally, as a member of the American Legion. In all of these categories, I am opposed to the Speaker Ban Law.

Mr. Chairman, North Carolina stands tall among her sister states of the South and of the Nation. Our stature as a state, as a community, and as a people has grown down through the years and will continue to grow. But it is not by accident that this is so. As a native of this great state, and one who has seen enough of the rest of the world to appreciate what we have here, I am

grateful to the University of North Carolina, all of its branches, officers, faculty and trustees, for what this great institution has done for our state. I believe that I can safely and conservatively remind this Commission, if there be any need for such reminder, that there could be no university system anywhere in this land which has had a more direct and dynamic role in the general upbuilding of the community in which it exists than has ours here in North Carolina. Moreover, these various branches of the Consolidated University have produced leaders for our Nation (and indeed, for the free world) far beyond the normal expectations of a small, southern university. Again, this is not by accident, for in our State University there has always prevailed an atmosphere of freedom of exchange of thoughts and ideas upon which good men grow great, and there are many who will tell you that it has been this very atmosphere of freedom which has attracted the best minds and spirits to our University.

As a lawyer, I am grateful to the University, and will be forever in its debt, for the insight I gained there into the meaning of the law and its relationship to this and all free civilizations. One of the things I learned at the University was that the law should never be used as an instrument of revenge, but should always be directed toward the uplifting of the society in which it functions. To the lawyers in this room, I am sure that this may seem to be a lofty ideal indeed; and I am sure that there have been times in the Courtroom when it has eluded me temporarily; but in all seriousness, it is an ideal which has given many lawyers the strength to fight on for the right when all the power of heaven and earth seemed aligned against them. In these times,

when we are so painfully pulled between civil rights and civil wrongs and when men and neighbors are so easily tempted to be at each other's throats, it is an ideal which we cannot afford to sell short. Let there be no mistake about this, Mr. Chairman and members of the Commission. It is the ideal of law and order and the orderly growth of a dynamic society, so long and earnestly taught and practiced at the University of North Carolina, by students, faculty, administrators, and trustees alike, which has in large measure enabled this State and her people to escape the dreadful events which have befallen many of our neighbors in other parts of this country. Let not those, who in vain ambition seek to tear us down, forget the long and painful labor of those who have in noble self-sacrifice given their best to build us up.

As a parent, I am grateful for the opportunity of my children to attend the University of North Carolina. I fear not one bit for their well-being there; rather, I am quite certain that if they have the good sense to take advantage of what is offered them there, their years at the University will be the best years of their lives. It gives me a great measure of confidence in their future to know that they will get the chance for as good a college training as there is to be had in this part of the world. Not only will they be taught good courses by good men and women, but they will have the chance to learn the art of self-government and the value of self-direction. They will not be coddled, nor will they be hobbled. They will have the opportunity there to grow in every worthwhile dimension. Unless things have changed greatly since I was there, I am quite certain that they will be exposed to some fairly exotic ideas, strange to them and to me. They will

come to admire some professors in whom I can see but little good; and they will just as certainly not admire some professors in whom I can see naught but good. Be that as it may, I am completely consoled by one aspect of the experiences they will have there more than any other, which one aspect will in its endless virtue make up for all the possible shortcomings I may be able to detect in the program, and that is this: They will be taught to think for themselves. They will be encouraged by their teachers, their advisors, and their fellow students to examine the world in which they live with a thoughtful eye; to investigate, look at all sides, think about it and make up their own mind as to what to do about it.

I am not, on the other hand, consoled to think that they will be directed in their thinking by the General Assembly. With all due respect to the honorable body of men and women of North Carolina who meet here and make our laws, I must in all honesty say that I would prefer that the college training of my children be left to the trustees, faculty and administration of the University. I have the utmost confidence in their ability and in their devotion to the welfare of my children and the other young people who attend the institutions entrusted to them. I cannot say that I have at all times agreed with the decisions made by them nor the programs carried out by them; but the point is, these are their decisions to make. No one can argue that thoughtful and conscientious legislators ought not to be concerned with what goes on at our state-supported institutions of higher learning, no less than they should be concerned with what goes on in State hospitals, or State prisons, or the highway patrol, or the many other institutions and agencies of our State government. But is it not evident

on its face that the General Assembly cannot by legislative fiat direct the detailed manner in which these many agencies and institutions discharge their responsibilities to the people of this State: Of course this is obvious; and it is for this obvious reason that the General Assembly has historically left the governing of state-supported colleges and University to the trustees elected for that job. As a parent and as a citizen, I might take the liberty of suggesting to the General Assembly that it use all due care in the selection of the trustees; but once this has been done, leave the job to those who have it and must be left free to do it.

In expressing gratitude here today, I should not overlook the American Legion. I went to the University of North Carolina on the G. I. Bill, and the Legion was in a large measure instrumental in the passage of this historic legislation. The Legion, and the Veterans of Foreign Wars have done much for our veterans and their dependents. But in all candor, I must say that I cannot see that any veterans' organization has any special qualifications in the field of higher education. As a member of the Legion, it is my firm conviction that the leadership of the Legion in North Carolina has done everyone concerned, including themselves, a great disservice by their intemperate remarks concerning the University and its administration, and I, for one and as a member of that organization strongly protest their entire role in this matter.

Now for a closing word about speakers at the University. One of the most delightful aspects of my student years at Carolina was the great variety of speakers we had the privilege of hearing. I devoutly hope that this tradition

is flourishing there now and will always. The students are not so likely to be overly impressed by any radical speakers they may hear on the campus as they are to be deeply oppressed by the lack of faith shown in them by the General Assembly of North Carolina in enacting the Speaker Ban Law.

The law is an insult and an affront to the students, faculty, administrators, and trustees of our state-supported colleges and University. It is a bad law, and it deserves the fate of a bad law - outright repeal. Thank you, Mr. Chairman and members of the Commission.

Chairman Britt: Thank you very much, Mr. Wells. At this time I'm going to ask Mr. James B. McMillan, a member of the Charlotte Bar, to come to the platform. He will serve as moderator or spokesman for a presentation by the Alumni of the University of North Carolina at Chapel Hill.

Mr. McMillan: Mr. Chairman and Members of the Speaker Ban Commission: North Carolina owes thanks to you who have accepted this tremendously important job. I firmly believe that appointing this Commission was a wise move, and that your study and recommendations to the Governor and the General Assembly will point the way to relieve a serious threat to freedom in North Carolina.

I was born in Goldsboro, raised on a farm at McDonalds in Robeson County, graduated from Presbyterian Junior College and from the University of North Carolina, class of '37, studied law, spent four years in the Navy including a little combat and moved to Charlotte and have practiced law there since 1946. I was for years an active member and office holder in the American Legion, and belong to the 40 and 8.

Some weeks ago, because the Speaker Ban Law had continued to stir my conscience, I asked leave to appear before you. Other alumni of the University had the same idea. I find myself thus allied with some witnesses of greater note. As unofficial "trial Counsel" for this group, I will ask them to speak first, and to keep their testimony brief, and I will keep the last jury speech short.

The men you will hear from have several things in common. They are native Tar Heels; they are successful in business and professional life; they are community leaders; they are all alumni of the University of North Carolina. They belong to many organizations, but they speak as individuals rather than as spokesman for any organization.

Like you, these men are unalterably opposed to communism and to every other philosophy which denies or degrades the dignity of the individual.

Though they disapprove of the Speaker Ban Law, their remarks are objective rather than personal, and they respect the motives and the sincerity of the law's defenders.

The next speaker is a Wake County native, a graduate of the University of North Carolina, class of '35; son of a Raleigh lawyer; a Tar Heel expatriate who is at home this week visiting his Raleigh kinfolk. He is president-elect of the Alumni Association of the University of North Carolina, the president of the American Society of Newspaper Editors, a distinguished author and businessman and the editor of the Wall Street Journal. Mr. Vermont Royster.

Mr. Royster: Ladies and Gentlemen, thank you very much. For the record, my name is Vermont Royster, and as Jim told you, I live in New York City,

and I'm a journalist by trade. As a matter of fact, I've lived outside of North Carolina now for some 30 years, so I will begin by thanking you for your graciousness in listening to an expatriate.

But if my trade has taken me away from North Carolina, it has certainly done nothing to diminish my pride and my affection in the State.

I was born in Raleigh and I grew up in Chapel Hill, where my father taught Latin and Greek. He himself was a graduate as was his brother, his cousins and his uncles. One of my prize possessions is a catalogue of the University of North Carolina for 1860 in which Iowa Michigan Royster was a professor of English there until other matters called him to Gettysburg.

I mention all this, by way of preface, simply to show the common bond that binds us all here this morning, our interest in the state and its University; in whatever differences we may have, I think this abides.

We do have some difference now, I gather, in listening to the speakers this morning. Many sincere men favor the Speaker Ban Law as a means of protecting our young people from insidious doctrines. My own feeling is that it is an unwise law enacted by good men with worthwhile intent.

The law will not accomplish what it intends, and that is a futile law. It will do a great many unintended injuries, and that makes it a foolish law. And a law which is both futile and foolish is certainly a bad law. And with the desire which motivates those who favor this law, I confess much sympathy. It's certainly true that we live in troubled times and at the root of these troubles, whether in Asia or in America, is a sickness of the mind which makes some men mistake good for evil.

Foremost among these virulent ideas is certainly communism, the ideology and the doctrine that it is going to take over the world. But not all the virulent ideas are Communist. We are infected also with viruses that attack morality, the concepts of society, the values of liberty and the faith in the uniqueness of each individual.

It's also true, I think for reasons which I do not profess to understand, that many of these new ideas do attract some young minds.

But this law, however, sincerely intended, will neither prevent nor remedy the infection. It puts a ban on only one particular type of speaker, the formal Communist. It bans him from speaking only in one particular place. This may be a mark of the law's moderation but it's also a mark of its futility.

For the truth, Ladies and Gentlemen, which we all know in our own hearts, is that no law, however, carefully drafter, can halt the breeding of ideas, good ones or bad ones.

Even the Communists, with all their forces of brutal oppression, have not succeeded in putting down ideas they do not like among their own people. Nor can we. Indeed, it seems to me it would be a very tragic irony, if in the name of fighting Communism and of upholding our own faiths, we adopted the methods of Communism and denied that most fundamental of our faiths, the belief that men being exposed to all ideas will ultimately choose the good over the evil.

So I think the law is fruitless. But that doesn't measure, in my opinion, the extent of its harm. That lies in the unintended injuries it will do to the State,

and especially to its colleges and to its university.

For one thing, the law's rigidity is such that in attempting to ban the insidious subversive it also bans speakers who might well serve as a healthy antidote. The Russian Ambassador is, by definition, a communist. But I can conceive of times when nothing would be more salutary for the students than a chance to hear him speak and try to explain the communist position on Hungary, let us say, or Southeast Asia.

As one who has visited Russia and many other Iron Curtain countries, I can assure you that nothing so strips away illusions about the nature of communism as a face-to-face encounter with one of its official spokesmen. An hour of this, believe me, is a wonderful tonic for freedom.

More importantly, the rigidities of this law assume that anyone who is a communist is going to speak on political questions. This leads, in the old phrase, to throwing out the baby with the bath water.

Russian scholars have much to offer in many fields -- medicine, physics, biology, archaeology. Most of the leading experts in these fields in these countries are, by the nature of their country, technically communists. Therefore, they technically fall under the ban of this law, and this simply leads to plain absurdity. The university can't hold a conference on new discoveries in archaeology and permit a communist to read a paper on new artifacts uncovered in Uzbekistan about the times of Genghis Khan.

The chess club at Chapel Hill couldn't listen to a Cholmov discuss the opening gambits of our own Bobby Fischer without moving the meeting off the campus. A Shostakovich could come to Chapel Hill and conduct the University

Symphony in one of his own compositions but he couldn't utter a word, not even a comment on his striking use of ninth chords.

This is an absurd way to treat any institution of learning -- to say that there is an American physics or an American biology and we aren't going to let any communist talk to our young people about communist theories on radiation in outer space.

And I can tell you, quite frankly, that this makes North Carolina look ridiculous in the eyes of the world.

Finally, there is one other thing which has been touched upon but which seems to me the most important of all. The unspoken premise of this law is that the young people who attend our colleges cannot be depended upon to separate the wise from the foolish, the good from the evil. Let a communist but utter his blandishments, so says this law, and our young people will all be seduced.

Now this is a terrible accusation against the intelligence of the young people of North Carolina. It is true that in every generation there are some who go astray from want of character or intelligence and become not only communists but madmen, crackpots, thieves, murderers or just plain rogues. But in the long history of our colleges, and our great university, there is nothing but pride in the men and women that they have turned out, generation after generation. For us to imply that the young we beget are lesser men than ourselves is, I think, an affront both to them and to ourselves.

It also seems to me that many of the remarks made on this bill by those who favor it imply little faith in the ideas of liberty and freedom which

we profess. This law says that we are afraid that these ideas of liberty when met on the same platform with the ideas of communism will lose the battle for men's souls. This I do not believe. And I do not believe that the people of North Carolina really believe it either.

My own days at Chapel Hill were now some 30 years ago. Those, too, you will remember, were years of ferment, and we who were then young heard the blandishments of all manner of ideologies, communist, fascist, and many with names forgotten. There were then, too, fear in some places around the state that we young were being seduced, and there were outcries then for laws to trammel the university.

But the university was left untrammelled and I for one am deeply grateful. If we heard men from outside offering us false doctrines, we heard also from wise teachers who put them to inquiry and helped us to find our own way.

The virtue of this is that, having confronted all ideas, a man knows not only what he believes but why, and he cannot thereafter be shaken by the allure of false gods. I rather think to have said to us then that such-and-such a man cannot speak because what he speaks is dangerous would have given to us in feeling that his words had the added allure of the forbidden. As it was, I think North Carolina has every reason to be proud of those who passed through its university in those days. Today they serve the state and the country honorably and to our profit, a profit which is a debt we owe to the freedom of that university.

For my own part, I owe much to that university and to the privilege it

gave me to stretch my mind. As I move about the world, I owe much also to the reputation the university had before me, and still has, as one of the nation's great institutions of learning. Wherever you are, wherever you go in the world, when you say you are a graduate of Chapel Hill, and a native of North Carolina, you say it not in apology but as a boast, and I have an equal debt to the people of North Carolina who saw to it that this was so.

Believe me, it's a proud thing for those of us who live outside the borders of the state to be able to walk tall in the world as a native of North Carolina and as a son of Chapel Hill.

And so just speaking personally, I would be saddened to have that pride tarnished by a law which is futile in purpose, foolish in its consequences and, therefore, injurious to my native state.

Mr. McMillan: Mr. Chairman, if it's agreeable with the members of the panel, if there are no questions, I will excuse these witnesses as they conclude their remarks. Thank you, Mr. Royster.

Judge Malcolm Seawell, a native of Sanford, has practiced law in Lumberton and in Raleigh, where he keeps his law office, and his home is in Chapel Hill. He was the Mayor of Lumberton, was the solicitor of his judicial district and during that time he and Malcolm McLeod and some of our other fellow Robeson County Indians routed the Ku Klux Klan back in the early fifties. He served as a Superior Court judge in his district, later as Attorney General of North Carolina, was a candidate for governor in 1960, is now chairman of the State Board of Elections. Judge Malcolm B. Seawell.

Mr. Seawell: Mr. Chairman and Members of the Commission. In departing from my prepared statement, let me say in the outset that I have never been an undercover agent for the FBI, but serving four years in the Department of the Army as lawyer to Security Appeals Board, I have read reports prepared from the information given to them, to security officers within the Department of the Army and the FBI.

Let me first state that I do not doubt the sincerity of those who proposed the Speaker Ban Law nor of those who have spoken in its behalf, however poor I consider their judgment to be in the matter.

Let me add that my wish is that all of us could be as militant for a great University as we are militant against communism.

My home is in Chapel Hill. Colonel Royal's home is there also. If I felt (as apparently does Colonel Royal)--that Chapel Hill and the University comprise a hotbed of communism--my family would not be living in Chapel Hill. We would move to a less subversive place of residence after running a security check.

The plain truth of the matter is that neither the residents of Chapel Hill, nor the administrative officials of the University, nor the faculty, nor the student body, condone, encourage, or promote communism or any other subversive activity.

The end product of an educational institution is the students who are graduated from that institution. If there by anything wrong with the University of North Carolina at Chapel Hill, it must of necessity be found in the character, learning and ability of its graduates. And so I say to those who point their finger at the University of North Carolina at Chapel Hill: "Search the records of the past twenty years and parade before this Commission the names of five

known communists among the thousands who have been graduated during those two decades."

The Speaker Ban Law is a bad law, poorly drafted, ineffectual in what it seeks to do, and can lead but to great mischief and damage to the University of North Carolina at Chapel Hill and to all institutions of higher learning which are supported by the tax dollar in the State of North Carolina.

When a book is banned, it becomes a best seller, and, to my way of thinking, young men and young women will become more attracted to communism through a ban than through any other means which could be devised.

Nothing could impress a student of today less than a speech, political or otherwise. They are impressed through day to day association and through their search for knowledge.

The Smith Act very well retards any public appearance of a known communist advocating the overthrow of governments by force or violence. We do not have to fear that a known communist will speak on any campus or at any place advocating that line. We can, however, fear the subversive who works undercover seeking to influence students in our institutions of higher learning.

The Communist Party went underground about 1946 and it works underground now and not on the public platform.

No one could have listened to the representatives of the Board of Trustees of the University of North Carolina, nor to President Friday, nor to the Chancellors and former Chancellor within the University family without being impressed by the sincerity of those persons in promoting the welfare of the

University and of this state. They should have the complete confidence of the people of North Carolina. When they unanimously state that the Speaker Ban Law is injurious to the University of North Carolina, who can say otherwise?

If we want a great free University, let us, through the Board of Trustees, the President, the Chancellors, and the faculty of the University, preserve and build.

The threat of the Speaker Ban Law for future years lies not alone in a deterioration of the faculty of the University, but there is the practically assured future when the Speaker Ban Law will be implemented by other acts and other actions.

For example, the American Legion's request for an investigative committee of the General Assembly is not to be taken lightly. When that happens, the witch hunting days of Senator McCarthy will come to North Carolina and the twilight of the University will be upon us.

The Speaker Ban Law, in some respects, reminds me of the three plaster monkeys that used to be on my Grandmother's mantle. They were: "Speak no evil; Hear no evil; See no evil." The Speaker Ban prohibits the speaking and the hearing, but nothing yet has been done about "See no evil." That could be the next step--because, at the library of the University of North Carolina in Chapel Hill, the library at Greensboro, at Charlotte, at North Carolina State University, are the works of Karl Marx and the Communist Manifesto of Marx and Engels--the Bibles of communism. Or, if a school child in North Carolina desires to learn about communism, these works and others are available throughout the state. The State Library of North Carolina

here in Raleigh, the Olivia Raney Library, have these books available, and, through the State Library, they are available to local libraries and school libraries throughout this state.

If we are to ban speakers, for goodness' sake, let's do some book burning!

Mr. Chairman and Members of the Commission, I have no fear about what is taught our children and our young men and women in our schools in our state-supported institutions, as long as they are taught, and taught by our teachers and by our faculties. I have no fear that the young men and young women in our state-supported institutions of higher learning will become communists or communist sympathizers through anything anybody says in public--for they will find the truth. But what does frighten me is an attempt to prohibit and thereby to make popular that which now has no grip whatsoever on our students and no attraction for them. Thank you.

Mr. McMillan: Thank you, Judge Seawell.

Mr. Kemp D. Battle is the head of a well-known Rocky Mount law firm. He was a member for 30 years of the Trustees of the University of North Carolina. He was president of the North Carolina Bar Association in 1932-33. He has devoted much of his life to service to his community and state. He is a 1909 graduate of the University of North Carolina, and holds a 1960 L. L. D. from that institution. Mr. Kemp Battle.

Mr. Battle: Mr. Chairman and Members of the Commission. The tragedy of this situation is that there is no meeting of minds on what it is about.

Thousands of our best people have been led to believe that the issue is communism. That is not even remotely the case. There are 170 men and women in the General Assembly. There are 100 on the Board of Trustees of the Consolidated University of North Carolina. The latter, every one of them, was chosen by the former as being fit to direct or supervise the operations of a complex educational institution. I have no hesitancy in saying that in neither group is there one man or one woman who is a communist, either overt or furtive, or who sympathizes with communism, or who would fail to defend Democracy in every possible way against this hateful foe.

The question is not are we for or against communism. The question is who shall run the University. On that issue, the overwhelming weight of opinion of those who know most about universities is that, if a political body substitutes its opinion for that of the governing board, the spiritual integrity of the institution is dangerously, perhaps fatally, compromised. Regardless of any matter of accreditation, those who are most competent to speak are agreed that a university which has lost its freedom cannot keep or attract scholars of the first rank. If it is not free to seek the truth without blinders, it is not a university. It is as simple as that.

Is democracy so weak, or communism so attractive, that we fear the ability of our form of government to retain the allegiance of its people in the forum of free speech and open inquiry? Is it not a kind of treason to truth to suppose that it will not maintain itself in an open market? Are North Carolina college youths so dumb in comparison with those of other states that ours alone must have a curtain kept in front of their eyes? Do our Legislators really

have less confidence in the soundness of the University than the 10,000 parents in other states whose sons and daughters have been clamouring throughout this summer to get in this fall?

Although I speak for all branches of the Consolidated University, my mind is on Chapel Hill because it has been the object of most of the tirades of intemperate expression. The University at Chapel Hill has been through such attacks before. Well do I remember the debate here in Raleigh when the Poole bill was at issue some forty years ago. By that bill, the Legislature would have substituted its judgment for that of Trustees and Faculty in the teaching of biology. Extreme religious Fundamentalists played then the part which the Ku Klux Klan and the American Legion are playing now. They were sincere and honorable people but they were mistaken and they did not prevail. Appearing before a joint session of the Legislature's Committee on Education, Dr. Chase said something which is pertinent now: "If you want to dismantle the University, this is the way to do it."

I do not for a moment believe that the proponents of this bill in the 1963 General Assembly meant to do grievous harm to the University. Doubtlessly some of them were annoyed by the antics of Civil Rights workers lying down in the streets of Chapel Hill. And who of us was not? They probably thought they were performing a minor piece of surgery in removing what they considered a superficial blemish. They did not know that the knife was piercing close to the heart of the institution. It holds an honored place in the history of American education. It has ranked with the very topmost few of southern universities. Her fellow institutions in this state and elsewhere look hopefully to this Commission to provide the leadership required to enable her to go forward in

her mission of educating our sons and daughters for a future which demands the very best brains which we can achieve. If you provide that leadership and if the Legislature follows you, all will be well. If either fails, the prospect is gloomy indeed. Not only the University, but the whole cause of education, will suffer a catastrophic backset.

I hope it is not presumptuous of me to refer to my keen appreciation of the weight of responsibility which the members of this Commission have accepted by undertaking, in the line of public service, the duties you are performing. Whatever your decision, you will be by some blessed, by other damned. The importance of the outcome is so vital to the welfare of our State that the effect on any individual, political or otherwise, fades into nothingness. If light is to be overcome by darkness, and I force myself to peer into such a gloomy period, I seem to see Alma Mater, our intellectual and our spiritual mother, sitting in forlorn dejection in the rear ranks of those universities of which for many decades she has been in the forefront. If, moved by her tears, one asks her whence came those wounds, I seem to hear her answer in words found in the Book of the Prophet Zachariah: "They are those with which I was wounded in the house of my friends."

Mr. McMillan: Thank you, Mr. Battle, for that moving statement.

J. Dewey Dorsett, Jr., our next speaker, is a scion of a tribe of well known lawyers. Before his 1947 graduation from the University, he spent several years in the Army Air Force as a pilot, surviving some thirty combat missions over Europe. He was student body president of Chapel Hill. He later taught briefly at the Medical School. He is an outstanding practicing physician in Charlotte. Dr. J. Dewey Dorsett, Jr.

Dr. Dorsett: Mr. Chairman and members of the Study Commission, I would just like to state briefly to you the confidence which I have in the University of North Carolina, the confidence which I have in its Trustees, its Administrators, and its faculty. I think the record of these men stands for itself, for generations, going back as far as the forbears of the distinguished men who just finished speaking to us. This record is a good record, and one of which the people of North Carolina may be proud. The University of North Carolina deserves the confidence of the people of North Carolina. The people of North Carolina are most fortunate to have had and to have an institution of its quality for the training of its young people. I do not think that the issue which we face today is communism. The issue is, are we going to have a good University, or are we going to have a poor University? I attended the University of North Carolina at Chapel Hill in the late 1940's, during the time Mr. Clontz referred to in his testimony earlier today. The overall effect of these people that he was discussing on the students of the University of North Carolina was a beneficial one, because they had the opportunity to see in the flesh what a communist looked like, and when they had that opportunity, illusion was stripped from these people and they could see them for what they were. I think 99.9% of the students of the University of North Carolina reacted to the appearance on the campus of people such as this in this manner. It was a wonderful educational experience for practically every student at the University of North Carolina. I don't think we have any reason at all to be afraid to put our confidence in the young men and women who attend our institutions of higher learning. The young people of today can and must be trusted; and if we don't trust them, if we don't show them that we have confidence in their judgment and in their ability, we are going to be in deep trouble with

this generation and with future generations of college students. Thank you very much, Mr. Chairman.

Mr. McMillan: Thank you, Dr. Dorsett. Mr. D. Ed Hudgins of Greensboro is the President of the Alumni Association of the University of North Carolina. He practiced law for many years and then turned capitalist and is Vice President and General Counsel of Jefferson Standard Life Insurance Company. He isn't with us because of the death of a nephew, who was killed in an automobile accident a day and a half ago. He asked that I read his statement for him. It is somewhat lengthy. I will not attempt to read it all; but since we have some two further speakers on this hour there are some parts of it I would like to read, and you'll pardon me for attempting to produce the sense of it.

He says first he appears as a citizen and doesn't purport to speak for all alumni, but he is an alumnus gravely concerned over a serious threat to a great university system. He mentions that the Board of Directors of the University at Chapel Hill have adopted a resolution urging repeal of the Speaker Ban Law which is on file with the Commission. He expresses the view that a mere head-counting process among alumni, voters, or legislators would not solve the problem before us because the issues involved are far too important to be decided by popular referendum of any kind.

He expresses confidence which I'm sure we all feel that this Commission, as distinguished citizens of North Carolina, will make a recommendation based upon your carefully considered conclusions as to what is best for North Carolina and not upon a mere assessment of popular opinion.

He recalls Edmund Burke's comment that "your representative owes you, not his industry only, but his judgment; and he betrays instead of serves you if

he sacrifices that judgment to your opinion." He points out that so far as he knows no other great university in the free world operates under this type of statutory prohibition; that the need for such statutory mandate has not been demonstrated and that no evidence has been brought forward to show that the faculty or administration has encouraged revolution through communist activities.

He comes down to the point that was discussed at such length yesterday - the right of the Legislature (he doesn't speak in terms of right of the Legislature) but he speaks in terms of right of the Trustees without unwarranted political interference to manage the learning and teaching programs of the institutions. He says that decisions upon such matters, including specifically decisions as to who should not be allowed to speak upon the properties of the State's educational institutions are beyond the proper scope of legislative action, and this is so irrespective of whether or not any legislative action such as the Speaker Ban Law may or may not be constitutional.

He expresses the same sentiment just expressed by Dr. Dorsett that the heart of the challenge of attending a true university is that there are no bars to the scope of inquiry and that at the university a whole new and exciting world of learning and adventure in learning opened up for me. In those days, 1924 when he entered, in those days as in this present time, the University was perhaps the primary reason why North Carolina, as contrasted to a number of other southern states, maintained a moderate and constructive attitude in response to major social and economic challenges of the times. We cannot afford to undermine the strength and influence of this great bulwark of our State's progress and well-being by imposing arbitrary restrictions upon those who properly are in charge of and responsible for the academic program of the University.

He mentions that the University has never throttled the honest search for trust, because, as John Milton and Thomas Jefferson said, "The surest way to fight error is with truth, and in an open and free contest between the two, truth will always prevail."

He comments about the consequences which were suggested yesterday as to what will happen unless this law is repealed or changed. And, in conclusion, he says, "I urge the Commission to meet this critical issue directly and to recommend prompt and unconditional repeal of the Speaker Ban Law. Further, if it be deemed necessary in the interest of clarity, I also urge the Commission to recommend the enactment of legislation which will clearly set forth the principle that the trustees of our institutions of higher learning are the proper persons to manage, directly or through their designated representatives, the academic affairs of these institutions."

That's an end of an attempted summary of the remarks of Mr. Ed Hudgins of Greensboro, the president of the Alumni Association of the University of North Carolina.

Our next speaker, Major L. P. McLendon, is an institution in his own right. He is an Anson County native who practices law and has lived for some time in Greensboro, a graduate of both North Carolina State College and the University at Chapel Hill. He has served this state and nation in numerous capacities including his most recent conspicuous service as counsel for the Senate Rules Committee in the Bobby Baker investigation. Major L. P. McLendon of Greensboro.

Major McLendon: Mr. Chairman and members of the Commission, in the best interest of our State and of our higher system of education and for three reasons I urge this distinguished Commission to recommend the repeal of the so-called Speaker Ban Act.

First: The Act is the first departure by the Legislature from North Carolina's traditional and highly successful plan for the management and operation of our state-supported institutions of higher education.

Our State Constitution (Art. IX Section 6) by an amendment adopted in 1873 provides that the General Assembly "shall have power to provide for the election of trustees of the university ...and may make such provisions, laws and regulations... as may be necessary and expedient for the maintenance and management of the University." Under this clearly permissive language the General Assembly has fixed the number of trustees and elected them and, except for the Act under discussion, has consistently left all details of operation and management to the judgment and discretion of its own chosen trustees.

It is of more than academic interest that this plan of delegating managerial authority to its trustees has been followed since the very birth of the University. For instance, as early as 1794, the General Assembly, having a concern for the morals of students, conferred upon the President of the University the power to veto any license or permit granted by a town or county to operate in Chapel Hill or within five miles billiard tables, ten pin alleys, bowling alleys and other games of chance. This Act has never been repealed and, as recently as 1931, was amended. Again in 1824 the General Assembly conferred upon the president of the University the veto power over licenses or permits to operate broadly described sleight of hand, dancing and theatrical performances. It is still in

our law as General Statute 116-47.

Again in 1947, the trustees of the University were authorized to make rules and regulations, not inconsistent with the State law, for the use of its streets and alleys by motor vehicles.

The significant point is that in each of these three instances the exercise of the authority conferred was left to the judgment and discretion of the president or of the trustees.

The Anti-Communist Acts of 1941 and of 1947 defined as crimes certain acts, such as advocating the overthrow of the government by violence, and prohibited the public employment of persons who have participated in such activities. These acts, I remind you, are of a general application and impose no duties upon the University and our colleges that are not also imposed on all public agencies.

You are aware that our colleges came into existence one by one and without any effort to follow any uniform plan of organization or management. All of these laws were codified by the State Board of Higher Education, under the leadership of that great and useful citizen, D. Hiden Ramsey of Asheville, and presented to and adopted by the General Assembly of 1957. This statute contains this language: "The Board of Trustees of each of said institutions shall be responsible for the management of the affairs of the institution subject to the applicable laws of the State..."

From this skeletonized history two conclusions are inescapable:

1. Our university and our colleges are not autonomous, as are some, such as the University of Michigan, but are subject to the control by the State.
2. For almost 170 years prior to 1963 it was the unbroken policy of our State to vest the management and control in the Board of Trustees and their

chosen administrative officials without state interference in the exercise of their judgment and discretion.

Surely this Commission will take notice that under this wise North Carolina plan our university and our colleges, prior to 1963, had attained great distinction in higher education circles of our nation and even in foreign lands.

Second: There never was any factual justification for the Act of 1963. Without reflecting upon the motives and good faith of its originators and proponents it can be said that its origin is buried in an emotional myth -- the myth being that our institutions were providing forums on their campuses for the use of Communist advocates and organizers. This myth took root at a time when people of America, and more especially in the South, were undergoing revolutionary changes in their traditional economic and political practices and beliefs. We know that our university and colleges were not guilty of the charge. Now that we have had time to think about it calmly we realize that our emotionalism has led us into a grave error of judgment. The time has now arrived for the good common sense of our people to assert itself and to put us back on the course of sound education, soundly administered.

The Act of 1963 is the best evidence of the consequences which often flow from hastily adopted and ill-considered legislation. For instance, the first section of the Act is all one sentence and, as written, it is applicable only where all three things occur; namely, the prohibited speaker must be (1) a known member of the Communist party, (2) he must be known to advocate the overthrow of the Constitution of the United States or the State of North Carolina and (3) he must have pleaded the fifth amendment in connection with subversive activities -- a result probably not intended by the draftsmen and a result, in my opinion, unenforceable.

Third: The Speaker Ban Act has done great injury to the reputation of our State and of our institutions of higher education. The act advertises to the world that North Carolinians do not, after all, have a fighting faith in our own system of Constitutional government and the Democratic processes which give it vitality and guarantee its perpetuation. It advertises to the world that not even our best educated citizens assembled on our university and college campuses have either the ability or the will to refute the arguments of the Communist; and we will therefore keep our people, and especially our college youth, from all exposure to those who wear and have worn the Communist label; and that we have borrowed a page from Communist doctrine and recognized the State as all wise and powerful and we rely upon it to tell our students and teachers alike what they are permitted to hear and teach. With the Speaker Ban Act on the statute books of our State we have wrapped those responsible for the administration of our universities and colleges in robes of patriotism and ordered them if need be to violate their conscience and the basic principle of academic freedom by accepting a state imposed label as the sole criterion for judging who shall be permitted to speak on their campuses. I close by earnestly asking your consideration of this question: In this world-wide struggle for men's minds between representative and democratic government on the one hand and the all-powerful Communist state on the other, can North Carolina afford to be classified with the witch hunters and the book burners? Thank you.

Mr. McMillan: Thank you, Major McLendon. Mr. Chairman, we can finish in ten minutes or less if we have that time.

Chairman Britt: Go right ahead.

Mr. McMillan: I called Mr. Si Parker of Concord and asked him to have, let me have some information about his background. I got what seemed to me to be a clipping from Playboy and was very interested in it until I looked on the back and saw that it also had much information about a very interesting citizen.

He is from Union County, he lived for 25 or 30 years in New York where he was vice president of a chemical company, Ciba Pharmaceuticals, he is a 1917 graduate of the University and was there during several college generations on account of the war. He fought through World War I in the trenches in France and received all three of the nation's highest awards for heroism under fire, including the Congressional Medal of Honor. He was the first person to receive all of those decorations. He is a brother of the late John J. Parker. He is a former member of the American Legion, a steady worker for community and state affairs, Col. Si Parker of Concord.

Colonel Parker: Mr. Chairman, members of the Commission, I wish to thank you for this honor and privilege of being allowed to appear before this Commission to express my personal thoughts on the Speaker Ban Law.

I am a native North Carolinian. Although I have lived in other states over half my life, always I've considered this State home. When I reached retirement age, I returned to North Carolina to spend the Golden Years of my life, and Golden Years they are. Always, wherever business or travel have taken me, I have been proud of my native State and have expounded its virtues.

However, the passage of the Speaker Ban Law has caused me much concern.

It is my opinion, and I contend the Speaker Ban Law is an insult to the young people of our State. Today, right now, our young people have just as

much intelligence, just as much moral courage, and just as much fortitude as did the founders of our country, in their day. If or when this state, or this nation, now or in the future, is faced with a great crisis, these young people are the ones who will stand up, face the problem, solve them, and come through victorious. They have done it in the past, and they will do it in the future.

In my lifetime, this nation has passed through two great crises.

Indecision caused trouble that rocked our land during the years of 1914, 1915, and 1916. At that time the German - American Press, throughout the United States, was a tower of strength. The discussions of international politics reached a feverish pitch in those times. Many Americans were ready for our country to join forces with the Germans, in World War I. In those days I was an undergraduate. At Chapel Hill, I became a member of a group composed of students and professors that formed themselves into an organization known as the International Polity Club. The purpose of this club was to study and discuss international politics and to explore all kinds of wild government theories. Through these open discussions the fallacies of Marxism and other socialistic forms of government were exposed. The members of the club came through the experience with a deeper and more steadfast faith and belief in our American form of democratic government. As proof the free thought and free speech in those open discussions did not alienate its members from belief in Americanism that International Polity Club went out of existence before Commencement Day in 1917. The reason the club failed to exist was because its members had volunteered in the Armed

Services of our country, and had left Chapel Hill in early May to enter Officer Training Camps.

Again, in 1941 and 1942 our country was in trouble again. We were on the brink of World War II. Here, today, every member of this Commission will remember, that in 1941 and 1942, all over this country, the press was howling, and speakers everywhere were screaming, that our young men were not tough enough, strong enough to make soldiers that could stand the rigors of war. But, they did make soldiers. Those young men proved to be the greatest soldiers of all times, and they were a determining factor in winning the greatest victory in all history. Not only were they great soldiers, but since 1941 they have helped build this country into the greatest and most powerful nation that has ever existed on the face of the earth. Those same fine young men who were characterized as weaklings in 1941 are our strong and brilliant professional men, business executives and scientists of today.

There are in our schools today, the same type of intelligent, courageous, and determined strong young people that were in our schools at the beginning of both World Wars. We must have faith in them and encourage them. We must let them have Free Speech. We must let them think for themselves and reach their own conclusions. They will make this a better world and accomplish greater things than we have ever dreamed of.

Now everybody with one grain of common sense knows that speaker platforms of our public institutions need protection. These facilities must not be thrown wide open for use by Tom, Dick, or Harry, who has a pet theory which he wishes to impose on the public. These platforms must be protected

against crackpots, criminals, and other undesirable persons who would use the opportunity for private gain or for the promotion of worthless or unworthy causes.

Establishing policies, making rules controlling who shall be allowed to speak or who shall not be allowed to speak, on the property of a public institution clearly are duties and responsibilities of the trustees of the institution. This trustee responsibility should not be abridged or weakened by any State Department-- be it Legislative, Executive or Judicial. These are important problems, and they are serious problems. They are too complicated to be solved by the passage of a general law or a specific law, such as the Speaker Ban Law, by a legislature which meets only once every two years.

I hope this Commission will reach the conclusion to recommend the repeal of the Speaker Ban Law.

I wish to thank you for giving me this opportunity to speak my mind, and I thank you for your indulgence in listening to me.

Chairman Britt: Thank you very much.

Mr. McMillan: Thank you, Col. Parker. Here is your pin-up girl.

Mr. Chairman, I have a brief closing statement. We may not have managed to say everything that needs saying, but we believe we are presenting a point of view that should have some serious consideration.

Fighting communism is not the issue presented by the Speaker Ban Law. All of us hate communism. We have laws on the books making it unlawful

to advocate the overthrow of the government by force, or to use public property for that purpose, and those laws should be kept and enforced. They are adequate to protect against any clear and present danger to our safety.

However, the Speaker Ban Law inadvertently I'm sure introduces into North Carolina for the first time an element of control by the Legislature over thought and speech and conscience which is alien, subtle and dangerous. It is the camel's nose under the tent of freedom.

In 1800 Thomas Jefferson, whose name is still respected here, said:

"I have sworn upon the altar of God eternal hostility to every form of tyranny over the mind of man."

Communism is tyranny over the mind of man. The first acts of the 1917 Bolsheviks included abolition of free speech and other civil liberties in Russia. Later they got around to completing the confiscation of property.

The Speaker Ban Law is an imitation--unintended no doubt but real--
of communist dictatorship in probably its worst and most dangerous aspect--
restriction on free speech.

By requiring universities to allow only speakers in the categories approved by the legislature, the law imitates communism in another significant aspect-- the aspect of state control over what may be taught to young people and over what should be left to the teachers.

If one well-meaning legislature denies platforms to speakers of prior communist or fifth amendment leanings, why could not another well-meaning

legislature with equal propriety deny platforms to lawyers, or Baptist preachers, or even Presbyterian elders!

Liberty lives only when protected. Our ancestors knew they had to fight for it. North Carolina refused to ratify the United States constitution until the Bill of Rights, including the protection of free speech, was adopted. North Carolina is not the state to stand now, virtually alone, with a law on its books which strikes at this one of the fundamental foundations of a free society.

The law is unconstitutional, probably, and too vague to be enforced intelligently, and it threatens accreditation, morale, the advancement of our schools and universities. Those are sufficient reasons to justify its repeal. My purpose here is to urge you also to consider the law in its broader aspect as a threat to freedom and not merely as a threat to our schools.

I believe your Commission will look through the catch-phrases and hot words which have been uttered and will answer the ultimate questions: Does this strange new law have virtues to balance its many dangers? Can fear of communism justify this unplanned step towards totalitarianism? I believe and trust that by appropriate amendment or by outright repeal you will find a way to restore the universities to the trustees and let the fight on communism rally around more suitable standards. Mr. Chairman, on behalf of us all, I thank you.

Chairman Britt: Mr. McMillan, we appreciate your appearance; and in the interest of time, and since our time has more than run out, we will not invite questions.

I would like to ask at this time that President William Friday of the University come to the platform. He has asked for about three minutes to make reply, I think, to something that was said earlier today. I recognize him for that purpose.

President Friday: Mr. Chairman, yesterday we said that if there were allegations made in subsequent hearings, that we would be quite willing to present the facts and information to you as rapidly as possible. I have sitting with me here Dr. Lee Wiley, who is Kenan Professor of French at the University and this week is his fortieth year with the institution. During the war, he was with General Bill Donovan in the O. S. S. , and had three combat stars to his record. When the statements were made this morning about a person on the faculty in the department teaching French, I asked Dr. Wiley to come over and state the facts for you to hear.

Dr. Wiley: Thank you, Mr. Friday. Mr. Chairman and Members of the Committee, as has been indicated by Mr. Friday's statement, I have been at the University this very week some forty years, which indicates to some degree my love for the University of North Carolina. I would not be presumptuous to say that I won the war, but I did contribute my life to it--if it were needed--under fire and on an Italian fishing schooner in the Mediterranean. I have had some association with communists, both as allies and non-allies. We had an operation with the Russians, I remember, in Rumania, which was completely unsuccessful. I heard this morning the statement concerning communism as it was attached to the Department of Romance Languages at

Chapel Hill. I have just returned from France, where I have been working on a project concerned with my specialty, and I interrupted that to see these and to listen to these hearings. The statement was made that late in the 1940's-- and the conclusion before the Committee was--that the man connected with the meeting of communists was an Assistant Professor of French. It had been stated earlier that he was an instructor. I took it upon myself to check our files, and I knew there were two men who might be involved. I rode one of them out because he has later been hired by Duke University, so I judge he is all right. I have, however, checked thoroughly in our own files concerning the young man whose name was referred to this morning. Here is his record. He came to the University of North Carolina in the fall of 1940 as a graduate student. He was a teaching Fellow 1940-41, and he was a part-time instructor 1946-47, the first summer session of 1948, the second summer session of 1949. In the summer of 1949, when the personnel data forms were first issued in the University, Mr. Myers refused to answer the question, "Are you a communist?" Consequently, he was not re-employed for the year 1949-50, although he remained here as a graduate student during that time. He later was re-admitted as a graduate student, and as of 1959 he was at Union University, Jackson, Tennessee. He has completely recanted, according to his own statement, with regards to his communistic position, and he is now a full professor with tenure at Union University. That is a dossier on Mr. Myers.

Chairman Britt: Does any Member of the Commission desire to ask either of these gentlemen a question? If not, this Commission will now take a recess until exactly two o'clock.

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina

Thursday, September 9, 1965, 2 p.m.

Hearing before Speaker Ban Study Commission
State Legislative Building
Raleigh, North Carolina
Thursday, September 9, 1965, 2 p.m.

Chairman Britt: Ladies and Gentlemen, this afternoon session of the Commission hearing will now come to order. I realize that we have possibly some folks with us this afternoon that have not been here before. I will state to you that the rules of our meetings are very few, but we do have a couple of rules that we would ask that you observe. One of those is that smoking is not allowed in the Auditorium. The other is that we respectfully ask that you do not applaud any speaker; and by the same token, that you do not boo any speaker. We appreciate your assistance in these regards. The other day in our previous hearing, a number of letters were read from several universities and colleges outside of the State pursuant to an inquiry that had been made. After publicity was given to that hearing, at least one Member of the Commission here was contacted by some of those colleges or universities about that statement, and this Member of the Commission feels that he should get this reply in the record. It does not necessarily mean that it is his view; but since the communications were addressed to him, he feels that he should do that. So before we hear from any further speakers, I am going to recognize at this time Rev. Ben Fisher, a Member of our Commission.

Rev. Fisher: Mr. Chairman, I will do this as briefly as possible. Mr. Jordan, in presenting his testimony at the last meeting at this last hearing, listed twenty-nine universities that considered accreditation at the universities of North Carolina by the Southern Association of Schools and Colleges unimportant to entering their

graduate schools and this was made public, and evidently some misunderstanding has arisen from it, and some interpreted this to mean that these colleges and schools did not consider accreditation important. I had a phone call from the President of Auburn University concerning this. A letter was sent to the twenty-nine universities involved, asking three questions. "Were you aware that this same letter that you received was sent to the following colleges or universities?" "Were you aware that it would be used as formal evidence by the American Legion in the Speaker Ban Hearings?" And, "If so, would your reply have been different?" To date, seventeen replies have been received. Two have said that "We would leave our reply as it was without changing it." This is the University of Idaho and the University of Iowa. Two said that they would answer later because administrative officials were away on vacation, or for other reasons. These were Purdue University and Southern Methodist University. The thirteen universities responding were Auburn University, the University of Chicago, Cornell University, Georgia Institute of Technology, Harvard University, the University of Kentucky, Northwestern University, Ohio State University, Princeton University, University of Pittsburgh, University of South Carolina, Syracuse University, Yale University. These letters all had about the same theme with varying degrees of intensity to their reaction, and I have chosen the one from Princeton to read into the record at this time. "Dear Mr. Fisher: Mr. Roberts, Assistant Dean of our Graduate School, has referred your letter of August 18, 1965, to me. We greatly appreciate your informing us of the use made of our previous letter. Let me begin by answering the three questions that you pose in your third paragraph. (1) We were not aware that our reply to Mr. Monroe's letter would be used as formal evidence at the hearing.

(2) We were not aware that Mr. Monroe's letter had been sent to the colleges and universities you mentioned. (3) Our reply indeed would have been different had we known that it might be interpreted as an official statement regarding accreditation. In answering Mr. Monroe's letter concerning his son's eligibility to enter our Graduate School, we assumed in good faith that Mr. Monroe was concerned as an individual in an immediate situation in which the personal merits of his son were involved. We feel that the use of our letter to make a point of general principle without reference to the many factors involved in a wise and farsighted administration of higher education of this country was entirely unjustified. We are deeply concerned that no individual 'eligible in every respect to enter our Graduate School', as Mr. Monroe described his son, should suffer because of an unfortunate situation which he had no part in creating. This is what dictated our reply. If Mr. Monroe had fairly and fully requested a statement of our position in respect to the importance of accreditation as an effective and long-run means of assuring wise and beneficial administration in higher education in this country, we would have indicated our strong support for an effective and responsible system. As a corollary of this, we view with dismay the existence of circumstances which might force the loss of accreditation by a distinguished university. The impairment of the educational program of a university resulting from an unwise intervention in the freedom of teaching and scholarship may come slowly. However, we are convinced that it comes surely, with devastating effect on faculty, students, and the general community. History speaks all too clearly at this point. We would still seek to help the individual student caught in such an unfortunate situation, but we would greatly deplore and regret the loss of freedom and status of the university from which he came to us. We sincerely hope that the above statement of our position will correct any misunderstanding. We are

accustomed to answering inquiries in good faith and feel that our previous letter was misused and misinterpreted. (Signed: J. Douglas Brown)." And I offer these letters for the record.

Chairman Britt: Thank you very much, Dr. Fisher. This morning, we got behind time just a little bit. We had about three presentations, brief presentations, that were not delivered at that time, and we will resume where we left off. At this time, I would like to recognize a spokesman for the Teen-Dems Organization of North Carolina, Mr. Ed Croom. Ed.

Mr. Croom: Thank you, Mr. Chairman. Members of the Commission and fellow North Carolinians, you have heard many things adults have said about our young people. Now, as a high school senior, who will go into college, I would like to give you some of the views that I have received from fellow Teen-Dems across the State. Over half of this statement is not my own words; it is from other Teen-Dems; but I have incorporated it into this statement. First, let me read you the Resolution passed in the June, 1965, Convention of the North Carolina Teen-Dems which was held here in Raleigh at State College. "WHEREAS, The North Carolina General Assembly has enacted legislation known as the 'Speaker Ban Law', and WHEREAS, North Carolina is the only State in the Union to take such action, WHEREAS, We believe this Speaker Ban Law is contrary to the freedom guaranteed by the United States Constitution, and WHEREAS, This law has endangered the accreditation of the State-supported schools in North Carolina, BE IT THEREFORE RESOLVED: That the Teen-Dems of North Carolina go on record as being

opposed to the Speaker Ban Law, and BE IT FURTHER RESOLVED: That the governing body of North Carolina repeal this law at the earliest possible time."

I firmly believe that the intelligence of my generation is being insulted by the law. We are insulting ourselves by stating we do not have faith in the ideals of our Government outweighing the ideals of communism. Past generations have listened to the open debate of communist ideals and American ideals. I feel we should have the same American freedom. Professor John P. Dawson has already stated young men and women don't lack courage, devotion and understanding. He added, and I quote, 'They can see through the false arguments of our opponents as well as their elders do....' The morale of a student may be affected, because people want a reverence for something higher in three ways, according to a school text book I have. They are (1) A Deity; (2) A hero; and (3) Tradition such as Freedom of speech. The example is the text's own. We are allowing communists to tell us to violate our own code of ethics to stop communism. The Speaker Ban Law is not in the best interest of the State. The State-supported colleges and universities of North Carolina are in danger of losing their accreditation because of it; and both students and teachers will be forced to seek other institutions if this occurs. More important, though, are the principles involved. The Law subverts the Fifth Amendment by penalizing those who have invoked a constitutional right. The Speaker Ban Law is undeniably an example of State control of education. The Legislature is attempting to supervise material to be presented to the students. It abridges the right of free speech, one of the most important principles of a free Society. An American citizen may be a communist; he may have pleaded the Fifth Amendment in a Loyalty case. This does not give the State Legislature, or any other governing body in America, the right to apply discriminatory legislation preventing him from stating his ideals

on the same basis as any other American. This Law denies the public the right to be informed. This Law is not applied to children in grammar school, who must be coddled and guided; it applies to men and women in college, those who will in the near future assume responsibility and positions of leadership. It is of critical importance that they have open and aboveboard access to the many viewpoints with which they must cope. Democracy must meet and beat communism in the forum of logic. We cannot attempt to hide it from the minds of the people. The Speaker Ban Law has been justified as a means of protecting our youth. In reality, it stifles it, shields communism from the light of open debate. It has been said that the Law merely keeps communists from having a State-supported platform. Indeed it does, which it has no right to do as long as it furnishes other political dogmas with such platforms. We question the Law's ability to accomplish its purpose. The Law doesn't stop the spread of communist influence. It does make martyrs of the speakers it stops. This aids communist attempts to gain sympathy. I quote from the People's Platform of The Charlotte News of July 1, State Senator Roy Rowe's letter - 'I am concerned because I have a son at the University of North Carolina at Chapel Hill, where his father attended school forty years ago with Kay Kyser, Hal Kemp, Dan Moore, and others. My son is concerned that his State by this Law would declare him incapable of listening to all comers and to make a determination for himself, after full debate. He is concerned that students at all other private institutions of higher learning in this State and in colleges and universities in all other States, are free to listen, to debate, and to make judgments for themselves.' In conclusion, it is my hope that every member of this Commission will attend the next Teen-Dem Convention. The adults who attended this year were filled with awe and left with esteem for the

young people present. These young people will determine the future State of North Carolina, the United States, and the World in the upcoming years as you are doing in the present."

Chairman Britt: Thank you very much, Ed, for this presentation. Is Mr. Walter Turner present? The Young Democrats Clubs of North Carolina have asked to be heard. Their President wired me yesterday that Court schedule would keep him from being heard, but Walter Turner here, who is Chairman of the College Young Democrats' groups, has a very brief statement, and I recognize him at this time.

Mr. Turner: Mr. Chairman and Members of this Commission, the North Carolina Federation of College Young Democrats, meeting at its annual winter rally this past February in Winston-Salem, unanimously passed a Resolution urging that the Speaker Ban Law be repealed. I personally feel that the Speaker Ban Law represents a mistrust of our college trustees, of our college administrators, of our college professors, and more than any other one group, this Law represents a mistrust of our college students on our campuses today. I feel that this lack of trust, that this lack of faith in those of my generation, is completely unjustified. During recent years, I have had the opportunity to observe the potential of my generation, not only in the College Young Democrats, but in other organizations as well; and in recent months, I have often wondered that would those who have written this Law, would those who seemingly lack the faith and the trust in my generation, do they know that nearly one hundred college students came to Winston-Salem to a College Young Democratic Club rally? Do they know that 350 college students came to Chapel Hill for a United Nations mock general assembly? Do they know that over 250 college students came to Raleigh for the student legislature at the Annual State Student Legislature? Do they know that

again this past summer 25 college students participated in the State Government Summer Internship Program, the only program of its kind in the entire Country? I think that it is quite a serious thing for someone to condemn our generation in this fashion. You, the Members of this Commission, will no doubt remember that F. Scott Fitzgerald said of your generation that it was the lost generation, and I really don't think that that is true. In a similar way, as you know, many are saying today that MY generation is the lost generation, but I don't believe it is so, and I don't believe that you feel that it is so. In conclusion, may I just say I hope you will put a little faith, I hope you will put a little confidence in those of my generation. I hope you will not condemn us; rather, I hope that you will have the faith to look to us for leadership in the future. Thank you.

Chairman Britt: Thank you very much, Mr. Turner. We appreciate your coming. Is the representative or the spokesman of the American Association of University Women present? Will you please come to the platform.

Chairman Britt: Will you please, Ma'am, identify yourself and tell us where you're from.

Dr. Syron: I am Leslie Syron, Professor at Meredith College. Mr. Chairman, Members of the Commission, I have distributed prepared statements, and so I shall condense them. Joining me is Senator Martha W. Evans, who's been an officer in the organization, and who is a signer of the dissent from the bill we are considering. Mr. Britt's letter of invitation was passed on to me. I am a past president of the State division, and I am presently serving a second term on the Committee on Standards in Higher Education of the National Association.

I shall quote from the official minutes of the annual convention of our Division held in Greensboro in October of 1963. This was the first convention held after the adjournment of the 1963 General Assembly.

"Acting for the Winston-Salem Branch (and I'm quoting from the minutes verbatim), Dr. Jeanne Owen presented the following resolution:

"Believing that freedom to learn and freedom to teach are essential to the maintenance of sound education and believing further that members of the administrative staffs and faculties of State-supported colleges and universities are qualified to decide, without any outside consultation or interference, who may or may not speak to their students, we support repeal of House Bill 1395.

"There was directive for the mailing of the copies of these to the appropriate persons.

"Dr. Owen moved the adoption of this resolution, and Mrs. Robert Humber seconded the motion. A full and free discussion followed. Senator Martha Evans moved that the resolution be amended to stipulate that copies be sent to all Representatives and Senators. This motion for amendment was seconded by Mrs. E. J. Kratt and was carried. The resolution was passed with one dissenting vote."

That's the end of the quotation from the minutes.

Following properly the procedure stipulated in the by-laws of the Division, the proposed resolution had been mailed to every branch in the State at least thirty days before the convention, a scant two months after the adjournment of the General Assembly. Thus, there had been full opportunity for the membership to consider the matter and for any opponents to present their views. I point out that after full and free discussion, during which I was present and during which an opponent did speak freely, the convention delegates passed the motion with only one dissenting vote. Of

the persons named in the minutes, Mrs. Robert Humber is a past state president, and Mrs. E. J. Kratt is the present state president. Thus, our views reflect consistency and unanimity.

Our state organization is a Division of an Association in which there has also been a consistency of viewpoint. You would like to know of its membership - a recent study has shown that about half are homemakers, the other half are widely distributed among businesses and professions. Thus, we are widely distributed outside of academic communities in both membership and leadership. Our name comes from our membership requirement and from our continuous interest in higher standards in higher education since our founding in 1882. We are not an organization of educators only. Since it was an association of collegiate alumni, the founders were immediately faced with the difficulty of identifying a college. Those were days when there were no accrediting associations, days of chaos when any kind of establishment could label itself a college or university. Days of chaos to which North Carolinians cannot wish to return.

The new Association, therefore, had to determine whether it would take in any woman from a so-called college or whether it would set up its own criteria for membership. "Holding to the purpose expressed in the first constitution--'the maintenance of high standards in education'-- the Association chose the latter course. "Years of investigation and experiment have gone into the shaping of AAUW membership policies. When the selective membership policy was adopted, it was decided that each institution applying for admission should be studied by a committee. Out of these studies, certain standards were formulated officially in 1889..."

Through succeeding years there evolved five standards for approval of an institution. One of these five has been "Maintenance of academic freedom."

When AAUW began its approval process in 1889, there were no uniform, outside standards by which colleges and universities might be evaluated, so we engaged in seventy-four years of staggering evaluation studies, made by non-salaried members. By 1963, AAUW was convinced that this was not the best investment of our time and ability. We were convinced that we could effectively rely on the six regional accrediting associations for "lifting up and unifying standards of education in the country at large." Therefore, the Association amended its by-laws so that, now, "When an institution which offers at least a recognized baccalaureate or higher degree and which has full regional accreditation, that institution may be listed and its graduates may apply for membership, so you will see that failure to have regional accreditation would mean loss of membership in the American Association of University Women, both for the institution and for its women graduates.

For years we have stressed the subject of academic freedom. For example, this resolution: "We believe that freedom to learn and freedom to teach are essential to the maintenance of sound education, and we accept the responsibility of constant vigilance in the preservation of these freedoms."

There are other resolutions, but it was in the Convention of 1945 that this formal statement of Standard V, Maintenance of Academic Freedom, was formed. "The Association expects that an institution will in no case sacrifice the moral freedom and individual integrity of members of its faculty and staff to any economic, political, or doctrinal end."

AAUW approval has been withheld solely on this point. There have been many cases in which this was one weakness, to be cleared up along with others, before approval was extended. AAUW has meant what it has said about academic freedom.

Now, if we support freedom, how shall we deal with threats to freedom?

In 1953, the membership was informed, "The Board of Directors of the American Association of University Women believes that the time has come for a bold, positive, and frontal attack on the whole problem of the communist threat to freedom and democracy ..." I shall quote excerpts from that statement.

"The problem we face is not simple, but the basic issue is clear ...

There is a communist threat that must be faced. There is also the danger that we may lose our liberties by the very means employed to defend them ... We must not become like the thing we profess to hate.

"Let us be explicit -- Communism is a threat to freedom and democracy.

We are against it ... The use of totalitarian means to fight communism or fascism is a threat to freedom and democracy. We are against it ...

"We believe that the most powerful bulwark against communism and other forms of totalitarianism is a wholehearted commitment to the things democracy stands for. We believe that the attempt to fight communism by using totalitarian techniques is not only ineffectual but actually aids the communist enemies of democracy by undermining our free institutions." End of 1953 quote.

There are similar resolutions as you see from your papers. Statements such as these are the basis for the resolution adopted by our state division. There are many other points we might make, points ably made by speakers whom you've heard.

Suppose we decide we want to operate our State-supported colleges and universities under the stigma of lost accreditation. Beyond the meanings so

effectively presented by previous speakers are ramifications as wide as Carolina graduates move. Whenever occasion arose, in regional, national, or international meetings of persons active in the realm of education, and I've attended many in the last ten years, I have told with great pride that I hold two graduate degrees from the University of North Carolina. I should not want to mention that if accreditation were threatened. Should I be pressed for an explanation of how it could have happened in North Carolina, I have not been able to think how to explain that in North Carolina there are some people who believe the best way to oppose totalitarianism is to adopt totalitarian tactics of bans and censorship.

But, suppose no accreditation is lost. Would, then, all be well? I regard as more fearsome than loss of accreditation the future which is presaged if we follow the course thus set, and others have said this well. What is the logical extension of the law? If speakers are banned, where may further bans and censorship be applied? Is this the American way of life to exercise the thought control of the police state? And there are other kinds of weaknesses. I think it's tragic that people are being lulled and deluded by the idea that if we don't just listen to communists, they'll go away. Or that if we don't just listen in an academic setting where they can be unmasked and refuted, we'll be safe. We have a 1941 law. The real threats are far more subtle than a rare speaker on a university campus.

At a World Congress of Sociology in 1962, I heard papers read by a number of Soviet sociologists. No matter what the topic of the section there was a monotonous similarity, an ideological line that was obvious to the hearer. When questioned, and this was in the context of honest inquiry about their research, the answers were pat and canned and noninformative. One of the strongest impressions I gained in three

weeks of travel in the Soviet Union in 1959-was that there they lacked the freedom to know. I began to value all the more our American freedom to know, to listen, to compare. There are threats and dangers from communism, but I firmly believe our best defense is an offense against the ills on which communism feeds. Having given due consideration to the issue, the North Carolina State Division of the American Association of University Women affirms that sound education requires freedom to learn and freedom to teach, that the administrators and faculties of our State-supported colleges and universities are qualified to make decisions about persons invited to their institutions; so that, therefore, the law under consideration should be repealed. Thank you, Mr. Britt.

Chairman Britt: Thank you very much, Dr. Syron. I ask Dr. Gift please to come to the platform. Senator Evans, I believe you're going (No) This is your presentation?

Mrs. Swindell: He's from Davidson College.

Chairman Britt: All right. We had a request from the Davidson College American Association of University Professors to be heard, and I recognize Dr. Richard E. Gift for that presentation.

Dr. Gift: Mr. Chairman, let me repeat for the record that my name is Richard E. Gift. I am here as Chairman of Davidson College's AAUP Speaker Ban Committee. It must be emphasized that I am not here in any official capacity from Davidson College, as such. Mr. Chairman, in view of the eloquence of all the testimony that has gone before us, we believe that the most effective contribution that we can

make to your work is to give you an opportunity to be exposed to the benefit of our own experience with the question of speakers from alien ideologies at Davidson College. We have a short statement here which deals with this, which I can distribute to you and will read. Mr. Britt, I have two supplementary documents here that I'll submit simply for the record, our original Resolution and a television presentation which has some of our views on the matter. Let me say by way of introduction that this statement is designed to do two things; one, to clarify certain issues which have arisen about where the impetus, where this law came from. In the August hearings, there was a suggestion that this was the result of outside agitation, so first we'll simply deal with that problem, and, furthermore, we want to go on to deal with this question of what our experience with speakers from alien ideologies has been at Davidson. I now read.

"Since the middle of 1963 the Davidson College Chapter of the American Association of University Professors has carefully studied the effects of the Speaker Ban Law and on repeated occasions has taken actions designed to show the harmful consequences of this law upon the quality of higher education in North Carolina. Our opposition to this law is permanent, and it is strictly a grass-roots operation. We had a temporary committee in the fall of 1963; we had a formal resolution in April of 1964; since the fall of 1964 we have had a permanent committee; and in January of 1965 we made our resolution public and initiated a seven-point program of action. The execution of this program, as far as we have any knowledge, was well under way before there was any active involvement of the Washington office of AAUP in this controversy. It needs to be stressed in this connection that a great part of our concern lies in the fact that this law endangers the quality of private institutions as

well as public ones. To take Davidson College as a case in point, her vitality depends in a number of ways upon the quality of the state University, as is evidenced by the fact that nearly a fourth of our faculty has advanced degrees from that University.

Whether or not accreditation is lost should not be the main issue before this Commission. A more fundamental issue or problem is the demoralization of faculty and administration which arises from this kind of legislative restriction. The slow drift of faculty to other institutions must not be considered insignificant simply because it does not generate spectacular headlines. The oft' heard argument that the mere prohibiting of certain kinds of speakers does not adversely affect the various programs of the University simply does not show an appreciation of the hard facts of faculty morale and faculty recruitment. The Commission has already heard testimony on the experience of Ohio State University in this respect.

The law is harmful to the University in yet another way as well. The free flow of ideas is inherently bound up in the very functioning of the University. The law does inhibit the free flow of ideas, else there would have been no reason for its passage in the first place. Thus, the second hard fact of the matter is that the law not only demoralizes the faculty; it directly impedes the efficiency of their educational effort now. Our concrete experience at Davidson has been extremely positive in this respect. Our students' learning process has been immeasurably improved by their exposure to spokesmen of communistic and other alien ideologies, by their opportunity to hear these spokesmen taken to task by our faculty, and, what is most important of all, by their opportunity to sharpen and enlarge their mental faculties in creative and even combative personal dialogue with these spokesmen. The Speaker Ban Law rests on a misunderstanding of the nature of free inquiry; and it ignores the

fact that open discussion is one of the strengths of our civilization. Now it is true that some prospective speakers at our University might lack a sense of propriety and good taste, but sound judgments on allowing or not allowing such speakers can only be made on campus at the administrative level. These cases cannot be efficiently dealt with by legislative generalizations."

Mr. Chairman, I have with me the official statement of policy of Davidson College on speakers of alien ideologies if the Commission would like to hear it. It's not part of our AAUP statement. I don't have it reproduced so I can't submit it to you today, but I can read it to you if the Commission is interested in this.

Chairman Britt: Read it very hurriedly.

Mr. Gift: I think this is significant in view of some developments in the past 24 hours. This is the official...I am now reading the official Davidson College policy. This is not AAUP any longer. The statement's dated November 5, 1963.

An essential part of the education of each student at Davidson College is the opportunity to hear diverse viewpoints expressed by speakers invited to the campus by student organizations as well as by members of the faculty and administration. It is highly desirable that students have the opportunity to question, review, and discuss the opinions of speakers representing a wide range of viewpoints.

To assure that the schedule of speakers is sufficiently varied to provide the widest possible educational experience for Davidson students, and to coordinate the scheduling of speakers and facilities, a three-man committee representing the faculty, the administration, and the student body will be appointed to coordinate the program of visiting speakers.

Speakers to be invited to Davidson will be selected on the basis of their potential contribution to the educational experience of the Davidson College community and no speaker would be rejected because of his membership in an organization.

When a controversial speaker is invited to the Davidson campus, it will be the responsibility of the coordinating committee to see that the opposite viewpoint is adequately presented on the Davidson campus within a reasonable period of time.

The coordinating committee will be empowered to remove the attendance requirement at assemblies at which unusually controversial speakers are scheduled to appear.

The committee, working in cooperation with the Public Relations Department will be responsible for informing the audience and the public at large that the appearance of a speaker at Davidson College does not in any sense indicate advocacy or approval by the College of the ideas or the cause presented by the speaker.

And that statement is the official Davidson College policy. I bring it before the Commission because I believe that this is a much more meaningful and effective approach to the problem, and I think it is pertinent evidence for your research and deliberation. I'll answer any questions. That's all I have.

Chairman Britt: Well, thank you very much. We appreciate your presentation, and particularly the last thing which you read there. Could you give me that copy, so that I could have it reproduced for the members.

Dr. Gift: I think, probably I would prefer to mail you copies. I'd like to speak with Dr. Martin, and I think we can have it duplicated.

Chairman Britt: If you'll mail me a copy of that, I'll appreciate it. Thank you very much. Now at this time I'm going to ask, please, to come to the platform, Representative Steve Dolley of Gaston County, and, who will serve as counsel this afternoon for a presentation by the Veterans of Foreign Wars. Mr. Dolley, you and your group will please come to the platform. With Mr. Dolley is - and who will lead off - as I understand it, is Mr. Bill Goodman, the State Commander of the Veterans of Foreign Wars, and I recognize Mr. Goodman at this time.

Mr. Goodman.

Mr. Goodman: Thank you, Mr. Chairman and Members of this Commission, I am Bill Goodman, State Commander of the Veterans of Foreign Wars of which I have approximately, well, in excess of 18,000 members. I represent the Veterans of Foreign Wars of the United States. The Veterans of Foreign Wars is an organization of 1,300,000 overseas combat veterans. Members of this organization carry their membership cards with pride because, Mr. Chairman, no man can become a member of this organization due to his position in life or his financial position. He must earn the right to belong. A man can only become eligible by being awarded a campaign medal in defense of his Country during time of war. The Veterans of Foreign Wars is one of the oldest veterans' service organizations in the Country. It was founded in 1899 by a group of Spanish-American War Veterans, and since has grown into one of the largest veterans' groups in the United States today. The Veterans of Foreign Wars has dedicated themselves to

the service to veterans and to the widows and orphans of veterans of this great Country. We promote patriotism and Americanism through education and community services. We are also at all times a strong supporter of National defense ...

Mr. Chairman, the Veterans of Foreign Wars have for many years been a strong outspoken opponent of communism. We believe that a communist is our deadly enemy, regardless of whether he is in Viet Nam, Russia, Santa Domingo, or in North Carolina, and we must consider him as such. Just three weeks ago, Mr. Chairman, at our national convention in Chicago, Illinois, a resolution was passed unanimously by more than 20,000 delegates attending this convention from every State in the Union representing 10,000 posts. I would like to read to the Members of this Commission the following Resolution: Resolution No. 170, WHEREAS, the Veterans of Foreign Wars view with deep concern the infiltration of our educational institutions of learning by speakers of the Communist Party of the United States, and its many front organizations, by and with the consent, in many cases, of school authorities; and WHEREAS, it is felt that a clear line of demarcation must be drawn between guaranteed freedom of speech and a license to preach subversion and treason in our educational institutions; now, therefore BE IT RESOLVED, by the 66th National Convention of the Veterans of Foreign Wars of the United States, that we endorse and work diligently in behalf of the enactment of legislation by all states to outlaw and forbid the appearance of all known Communist and Communist Front Organization speakers on the campuses of our schools and colleges.

Mr. Chairman, I would at this time, like to relinquish the floor to Mr. Steve Dolley, a distinguished member of the House of Representatives and a proven true friend to the Veterans of this great State who appears today as a Special Counsel

for the Veterans of Foreign Wars, a man who is in complete agreement with the Veterans of Foreign Wars in its stand for the retainment of the Communist Speaker Ban Law in its present form. I would like at this time to say, Mr. Chairman, and to the Members of this Commission, we appreciate very much the privilege of appearing before this Commission and to be able to present our evidence. Thank you.

Chairman Britt: Mr. Dolley, you're recognized.

REPRESENTATIVE DOLLEY: Mr. Chairman and distinguished Members of the Committee, I would like to join Commander Goodman in thanking you for the opportunity to appear here today and express our views on the so-called communist Speaker Ban Law. At the outset, I would like to depart from the normal procedure by making our position clear in regard to what we are not here to do. First of all, it is not our purpose to attack the University of North Carolina at Chapel Hill. We are not here to do or say anything that will harm in any manner any of our State educational institutions or any responsible persons connected with these institutions in an official capacity. We are not here to discuss the remote possibility that this Law would injure the accreditation of the State institutions of higher learning since this is a question which this Commission is able to solve on its own.

I am sure the Commission realizes that the scope of our argument here today is therefore limited. To further clarify our position, we would like to say that we feel that our system of government will withstand any open form of attack upon it. In fact, we feel that the educating of our people to the true facts of communism and to the tactics currently being employed by the communists is our greatest tool in combating communism. By saying that we believe in an informed society as our

main line of defense and also supporting the 1963 Communist Speaker Ban Law, we are not simultaneously supporting conflicting opinions. We are, however, saying that we feel that our Republic form of government, and the system of free enterprise which it has fostered, is strong enough to bear inspection, introspection, and criticism.

We feel, and very strongly, that the greatest threat posed by communism is by way of an insidious infiltration of communist ideology into positions of importance such as academic and intellectual centers. It is this belief that constitutes our principle reason for supporting the 1963 Communist Speaker Ban Law. In order to further explain our position, we would like to point out that membership in the Communist party, or membership in any splinter group of the Communist party, is different from membership in any legitimate political organization. The fact that it is different has long been recognized by many students of Marxism and is supported by voluminous data collected by the Federal Bureau of Investigation concerning the infiltration that the communist conspiracy has made in the United States during the past three decades.

It is, therefore, important to understand both the goal of the international communist conspiracy and the part that each communist plays toward achievement of that goal. A communist is a dedicated individual whose every conscious effort is directed toward the ultimate demise of our way of life. The extent of his dedication is difficult for the average person to comprehend, but the discipline that is maintained by loyal party members is so iron-clad and unwavering that it produces subjects who are willing to sacrifice anything -- their families, homes, their jobs, and even, if necessary, their lives, in service to the communist cause.

In speaking of communist party discipline, J. Edgar Hoover said that non-communists will have difficulty in understanding the utter inhumanity of communist discipline. It is a discipline that pervades every facet of life, drives wedges between husbands and wives, separates families. The best friends of today, because of party action, may become the bitterest enemies of tomorrow. (End quote) That quotation is taken from his book entitled "Masters of Deceit", page 181.

Why, then, do we say that we feel that the Communist Speaker Ban Law serves to thwart the stated plans of our avowed enemies? Historically, the communist party has always been interested in young people. Lenin and other top party leaders have emphasized that reaching young people must always be a key party objective. The young people of today, the party realizes, are the leaders of tomorrow. Hence, the party leaves no stone unturned to work out programs to attract and influence young people.

In the United States in the 1930's, the party operated the Young Communist League. Later this party front for young people was called the American Youth for Democracy employing patriotic sounding words, designed to hoodwink our young and impressionable people. Still later the youth group was known as the Labor Youth League. At the present time it is known as the W. E. B. Du Bois Club of America. This is but one illustration of the never-ending concentration upon our youths by the communist party.

Nearly three years ago the communist party accelerated their program of sending key party leaders to college campuses. In fact, the party placed such a high priority on this program that it established a National Lecture Bureau in

New York City. Literature was sent to schools throughout the country indicating that the party was ready and able to send speakers to their campuses.

I have here a copy of a letter that was sent out from the communist party USA under date of September, 1962, to editors of college papers and to student counsels. Mr. Chairman, I plan to offer at the conclusion of my remarks some 24 exhibits which I'd like to offer in evidence but, in order to illustrate the determination of the communist party to get on college campuses, I'd like to read this letter at this time:

"Dear Sirs or Madams:

May we request you to invite representatives of the communist party to speak at forums of the student body of your school in the 1962-63 college year, either the form of lectures, by participation in symposium, or in debates. During the past year communist spokesmen addressed more than thirty colleges and universities which were attended by approximately 75,000 students and townspeople. The colleges and universities included, among others, Harvard Law School, University of Chicago, Brown University, Columbia University, University of Oregon, Western Reserve, University of Wisconsin, Swarthmore, New York University, University of Pennsylvania, Washington University, Stanford University, University of Minnesota, Reed College, Colby College, Brandeis University, City College of New York, Hamilton College, Hunter College, Temple University, etc.

It is clear from this that students wish to hear the communist viewpoint from bona fide spokesmen. Students in their search for knowledge

apparently are not satisfied to learn about communism from anti-communists. They desire a fair exchange of opinion on the supreme problems facing our Country with all viewpoints represented, and they reject the widespread practice of denouncing communism without affording the communists an opportunity to be heard.

Yet in a number of cases, communists have been denied this opportunity. One pretext used to bar communists is that the communist party is not registered under the McCarran Act. This is true, but this matter is now before the courts. The courts, including the Supreme Court, are yet to rule on the position of the communist party that registration would deprive the communists of their rights under the First, Fifth, Eighth, and Fourteenth Amendments of the Constitution, and that the endorsement, the enforcement of this law would establish a precedent to destroy every vestige of American democracy. Also that registration compels perjury, self-incrimination, and a false confession of guilt. Communists are not foreign agents, do not commit acts of sabotage, espionage, or deception, do not seek to hide their views. (and going on with this letter)

Moreover, the Attorney General has stated that the McCarran Act is not intended to prevent the public activities of the communist party. To ban the communist speakers on this ground is, therefore, grossly improper and unjust. Another pretext used to discriminate against communists is that some spokesmen have served prison sentences under the Smith Act, but if political imprisonment is a bar to speaking, then a Henry David Thoreau, who served imprisonment for refusal to pay taxes as a protest

against the Mexican War, would be excluded, as would the Rev. Martin Luther King, thrice imprisoned for his courageous stand against Negro oppression. Also a large number of heads of government in today's world would be barred, including President Sukarno of Indonesia and Prime Minister Nehru of India, both of whom have served long prison sentences. President Arthur S. Fleming of the University of Oregon, former Secretary of Health, Education, and Welfare in the Eisenhower Cabinet, rejected the demand to bar Gus Hall (incidentally, let me interrupt and say that he was General Secretary of the communist party in the USA at that time,) rejected the demand to bar Gus Hall from appearing before the student body saying, 'If our University deviates from the policy of freedom of expression it has followed, it will be placed in the position of being a second-class institution in the eyes of men and women who truly understand the role of a university. It would be giving up its birthright.' He was honored for his stand with the Alexander Mikohan Award by the American Association of University Professors.

Arrangements for communist speakers can be made by addressing the Lecture and Information Bureau, where colleges or student groups are in a position to do so. We would appreciate the usual fee and expenses paid other speakers. Where schools or groups are financially not in a position to cover the expenses involved, we shall try to do so to the best of our ability. May we hear from you. Sincerely yours, Lecture and Information Bureau, Arnold Johnson, Director."

Mr. Chairman, Gentlemen of the Committee, from September, 1962 to date, the communist party leaders have made more than 150 appearances on college and university campuses in the United States, and when I make this reference, I am speaking of speeches of a political nature, not of an academic nature. They have spoken at all kinds of schools, large and small, public and private, in all areas of the nation. Audiences have varied from small turnouts to an audience of some 12,000 on the West Coast.

The importance placed on this accelerated college speaking program by the communists cannot be overemphasized, as is shown by the fact that the party sent only its key leaders, such as Gus Hall, General Secretary; Arnold Samuel Johnson, National Public Relations Director; James Jackson, Editor of the East Coast communist newspaper "The Worker"; Hubert Aptheker, the star party speaker who is a doctor of philosophy billed by the party as an expert on "cultural" affairs; and Hyman Lumer, the party's National Education Director. Aptheker has traveled widely making speeches, contacting students and faculty members, and publicizing his writings.

There is one point about which J. Edgar Hoover and Gus Hall are in complete agreement: Mr. Hoover has stated repeatedly, both directly and by inference, that the appearance of communist party spokesmen upon college campuses endangers students. Gus Hall obviously agrees with this belief since he has urged his party's workers to appear on campuses in our country whenever and wherever possible -- even if it is for the purpose of speaking to but one student. These views are repeatedly stated in the literature which will be offered in evidence at the conclusion of my remarks. Therefore, the logical and sound conclusion arrived at from the

actions of the communist party in furthering its organizational speaking and recruiting campaign, when tested by the carefully evaluated opinion of the Director of the Federal Bureau of Investigation, who is probably the foremost authority on communist subversion and tactics in our country today, is that these appearances by communist spokesmen on our campuses expose our students to the danger of indoctrination of a false ideology.

Opponents of the Communist Speaker Ban Law argue that exceptions should be made to the law in the case of communist scholars who seek only, to all apparent intentions and purposes, to speak upon professional and scientific matters. What these well-meaning opponents of the law fail to understand is the fact that a communist, whether he is an internationally recognized authority in some scientific field or a professional party organizer, is first and foremost a communist. These opponents further fail to comprehend the dedication to their cause and the fanatical determination to prevail that is the dominant characteristic of every person who has succumbed to the false doctrine of communism and who has dedicated his life to the furtherance of communism. Also, these opponents do not grasp the significance of the opportunity that such a professional or scientific appearance would give to the communist speaker or lecturer. First of all, if he is an acknowledged authority in his professional or scientific field, which of course he would be if he were to be invited to speak or lecture, his audience would then be composed of students and faculty members who admired or respected his ability in his academic or professional field. This admiration or respect would be coupled with the knowledge by his listeners that he was a communist. In this situation the cause of communism has been enhanced -- perhaps only to a minute degree -- but

nevertheless enhanced by the achievement of two facts which are important goals and desires sought to be realized by the accelerated Communist Speaker Program. First of all, the opportunity to be accepted as a distinguished lecturer and authority notwithstanding his communist affiliations, and secondly, the widening of the sphere of personal friendships by way of individual listeners, news reporters, hosts, and other bystanders with whom the lecturer may become acquainted.

It is important to remember that a communist speaker, regardless of the stated purpose for the speech, is afforded an opportunity by reason of his appearance on a college campus which he would otherwise be denied.

Opponents of the Communist Speaker Ban Law further argue that questions from the audience will frequently seek the truth and point out the errors in the logic of a communist speaker when he is openly advocating the Marxist doctrine or attacking the United States. However, as pointed out by Dr. Stefan Possony, Director of the International Politic Studies and Programs, Stanford University, in his testimony before the committee assigned to investigate The Administration Of The Internal Security Act, of the United States Senate, on May 17, 1965, "It is useful for the students to see Mr. Gus Hall, and watch him squirm when he is asked a pointed question. But in terms of citizenship and real education, it would be more important if the student concluded from the facts he learned why he should resist communism. The argument he hears on the campus usually is couched in ideological terms. The communist ideology is analyzed and criticized, and compared with other ideologies. The impression emerges that as corporations may be differently organized, so entire economies may be organized according to different concepts. Why get excited about this? Abstract teaching on a portion of the subject results in the opinion that ideological differences are too unimportant to warrant resistance, let alone military

conflict. The concrete meaning of ideology in terms of human lives gets lost in this sort of academic exercise."

The communists have repeatedly insisted that their party is entitled to the same respect and political position as a legitimate political party would be entitled to receive. They feel that the forum of an educational institution will give it prestige, credibility, and academic respectability. If they can gain "respect" in the academic community, then other citizens in the community, they hope, will be more likely to accept their doctrines. Whenever possible, the party's speakers espouse the party line and accuse our Government of being a warmonger or of seeking to enslave helpless people by Capitalism. However, their speakers are so well trained that they can gauge the resistance of their audience, and only turn on the party line as much as existing conditions permit.

In addition, these appearances on campuses often bring great publicity for the communist speaker. Often his speeches will be broadcast on radio and television and he will be interviewed by reporters. His propaganda remarks thereby reach millions of Americans - just what the party wants - an audience and an aura of respectability.

From the communist party's point-of view, its college speaking program has been a tremendous success. Gus Hall has stated that it has been one of the party's most effective endeavors and that each speaking engagement results in at least one more convert. That's why the communist party wants to continue it - and next fall you can expect the communist party to make efforts to gain additional invitations at educational institutions.

In testimony before the House Sub-Committee on Appropriations on March 4, 1965, J. Edgar Hoover said, "The increased number of public appearances by leaders

of the communist party, USA, in the last few years, whether it be in the form of press conferences, on radio programs, or on college campuses, is utilized in an effort to project the image that the party is a legitimate political party; to gain increased acceptance and respectability for the party; to generate an atmosphere of good will and understanding; and to spread communist propaganda.

"Since students constitute a primary communist target group, party leaders in their public appearances continue to concentrate on college and university campuses throughout the country.

"That some success is achieved by the party in the many appearances of its leaders on campuses is indicated by the fact that party youth clubs have been established recently at the University of Chicago and the University of California." It is well to note that these clubs appeared on these two campuses within six weeks after public appearances by communist speakers."

It is certainly no secret that various communist speakers have spoken in Gerrard Hall on the campus in Chapel Hill, on several occasions prior to the enactment of the 1963 Communist Speaker Ban Law. In light of the recent concentrated effort of the communist party to place speakers on as many college campuses as possible, it is obvious that the 1963 law was wisely enacted and should be retained. Let's look at just a part of the record:

Milton Rosen, a former candidate for the National Committee of the Communist Party, USA, spoke to the New Left Club in Gerrard Hall on December 3, 1962.

According to the Durham Herald, the Chapel Hill Progressive Labor Club and the New Left Club grew out of a series of Marxism seminars at U.N.C., which certainly proves that some students can be misled by this type of appearance.

Larry Phelps, who became interested in communism as a member of the Labor Club at U.N.C., described the club as "even more active and further left" than the communist party. Larry Phelps was the same student who defied the United States Government several years ago to visit Fidel Castro and later sing praises about the Cuban revolutionary movement.

When Larry Phelps returned from Cuba, he spoke to a large group of students at a State-supported university on the glories of Castro and communism. The chancellor merely referred to the speeches as a bull session.

Larry Phelps was stabbed to death at the Progressive Labor Club in Harlem. Had this misguided youth not been "taken in" by communist influences at a college campus, he might be alive today.

It's a well known fact that Junius Scales, while a student at the University of North Carolina, headed up the communist movement in North and South Carolina. He was subsequently convicted of violating the Smith Act in that he advocated force and violence to overthrow the United States Government.

The New Left and the Progressive Labor Club were allowed to be formed and to operate for some time by students at a State-supported institution that used State-supported facilities, apparently with full approval and consent of the officials of that institution.

Students at a State-supported institution were also leaders of a U.N.C. chapter of the "Monroe Committee for the Defendants." The Defendants were charged with kidnapping a young couple in Monroe. One of the Defendants, Williams, is now in communist Cuba broadcasting his propaganda back to the United States.

While Richard Crowder and Harold Reape, the other two Defendants in the Monroe kidnap case, were out of jail under bond, the U.N.C. Labor Club went to Monroe and invited them to the U.N.C. campus where their forthcoming speeches were well publicized in advance in the "Daily Tar Heel." On August 14, 1962, Crowder and Reape spoke in Gerrard Hall on the U.N.C. campus where they were portrayed as martyrs and openly sought support for demonstrations that they were planning to use at their kidnapping trial.

Now, the foregoing list does not begin to set forth the various instances where subversive doctrines have been espoused at a State-supported institution of higher learning. Other communists who have appeared at the University of North Carolina at Chapel Hill are Langston Hughes, the Negro poet who wrote, among other things, "Goodby, Christ", and last but not least, Herbert Aptheker, the top-flight speaker. Mr. Aptheker is the same speaker that addressed the Carl Marx study club at Gerrard Hall at the University of North Carolina in 1950. And, according to the transcript of the case on appeal of Junius Ervin Scales, Appellant vs. United States of America, there were in the audience at that time Junius Scales and Ralph Clontz, who, of course, as you all know, was subsequently found to be an undercover agent of the F. B. I.

Now, in considering the request by the administration of the University of North Carolina that the Communist Speaker Ban Law be repealed, it is appropriate to ask the question "Has the University been reasonably diligent in safeguarding students from destructive influences prior to the enactment of this law?" In view of the admissions by the University as set forth in the statements by the administrative offices of the University on September 8, 1965, and in view of the fact that communists

had been permitted to espouse their doctrines on the campus, we are forced to believe that the administration of our State University failed in meeting its obligations.

We submit to you that a request for a repeal of any law should be accompanied by evidence worthy of belief that is furnished by those persons assuming the burden of justification of their request for the repeal of the law. We are of the opinion that the opponents of the Communist Speaker Ban Law have failed to carry this burden of proof forward in requesting this repeal.

We would further like to request that this Commission closely scrutinize all of the evidence and testimony offered to it and determine whether each representation is worthy of acceptance, and if so, to what extent.

We were surprised to learn that the counsel for The American Association of University Professors, who appeared before this committee on August 12, 1965, Professor William Van Alstyne, was purportedly listed by "The Worker" in its December 8, 1964 edition as having signed a petition asking that the House Un-American Activities Committee be abolished.

Opponents of the 1963 Communist Speaker Ban Law frequently raise the ever-popular hue and cry of "freedom of speech" and "academic freedom" as reasons for the repeal of the law. We believe this argument to be totally without merit. The opinion of Mr. Ralph Moody, Assistant Attorney General of North Carolina, dated August 2, 1963, with which I am sure you are all familiar, exposes the fallacy of these contentions.

In further support of our position that this law does not violate any of our Constitutional Rights, we would like to point out that the Resolution of the Committee on the Bill of Rights of the American Bar Association dated August, 1962, which dealt

with officers of the communist party, USA, who seek speaking engagements at State-supported higher educational institutions, and I quote: "The Committee is of the opinion that no question of the Bill of Rights is involved in these campus appearances, whatever may be one's notion about academic freedom.

"The Committee does not believe that the officers of the communist party, USA, still fully dedicated to advance the objectives of communism, which includes the overthrow of the Government of the United States by force and violence, have a legally enforceable right in court to speak on the campus of a State-supported institution, nor, in the opinion of the Committee, have the students or faculty members of such an institution a legally enforceable right to require that such communist officers be allowed to speak on such campuses."

J. Edgar Hoover was once asked by a member of Congress during a committee hearing, and I quote, "What fear do you have of letting the young people know what these communists have to say? We are good Americans and we can differentiate between propaganda and fact." Mr. Hoover replied, "My answer is that we all believe in academic freedom, but academic freedom does not grant license to deliberately present distortions or falsehoods. It requires the truth and communists are not obligated morally or otherwise to seek for or to tell the truth.

"Some students are capable of recognizing and exposing communist propaganda and propagandists - others are not. Mr. Hoover went on to say, there lies the danger because communists have made, and are making, recruits in our schools, colleges and universities. For that reason, I do not believe that communist spokesmen should be allowed to speak on our campuses."

The quoted material from Mr. Hoover was taken from a transcript of his testimony before the Sub-Committee on the Committee on Appropriations of the Eighty-Eighth Congress, and given on February 1, 1963.

Mr. Chairman, in conclusion, I would like to thank you once again for the opportunity of being here today and for the opportunity of addressing - who respect and agree with the opinions of Mr. J. Edgar Hoover and the American Bar Association's Committee on the Bill of Rights, and we believe that the overwhelming majority of North Carolinians support this law.

Now, I would like to file with the Committee certain evidence that I think will be of some help. Mr. Chairman, I don't want to take up the Committee's time by enumerating it. I have here beside me a list of each one of the twenty-four items of evidence. I have had them marked "VFW Exhibits No. 1 through 24" and I'd like to file these now and when the hearing today is over and your secretaries have more time, I'll give them an itemized list, which may facilitate your inspection and study of them. Any questions I will be happy to try to answer them at the Committee's convenience.

Chairman Britt: Thank you, Mr. Dolley. If you will pass those on down, put on the table right here in front of me, please, I will see that they are put in the record. Now, if you'll resume, please, we'll find out if any Member of the Commission desires to ask any question. Start to my right. Anyone to the right? (Yes) Senator Hanes.

Senator Hanes: Representative Dolley, on Page 6, you say, "Let's just look at a part of the record." Is the full record contained in the stuff you have just submitted?

Representative Dolley: No, sir, it is not. I also said at the outset that we were not here for the purpose of attacking the University at all. We cited certain instances

that we knew of. That is sometimes necessary to bring out facts that may be painful but we feel necessary. We did not care to go into any more detail than we felt necessary in explanation of the submission.

Senator Hanes: But there are other facts which you will not submit?

Representative Dolley: Yes, sir.

Senator Hanes: On Page 8, you say, "The foregoing does not begin to list the instances where subversive doctrines have been espoused at a State-supported institution of higher learning." Is there a complete list of the instances in what you have submitted?

Representative Dolley: No, sir, but there are other instances listed there which will be in addition to the ones that I have listed and which are in addition to certain statements made yesterday and filed with the committee.

Senator Hanes: But it would be very helpful if we had it.

Representative Dolley: I will be very happy to get you additional facts and submit them privately, if you like.

Senator Hanes: Well, not privately, I . . .

Representative Dolley: I mean, to the Members of the Committee.

Senator Hanes: Thank you. On the bottom of Page 8, it says, "Professor William Van Alstyne was purportedly listed." Now, was he listed, or was he not listed?

Representative Dolley: Well, I have over there on the desk an Exhibit, No. . . . just one minute . . VFW Exhibit No. 17, which is a photostatic copy, allegedly, and that's why the word "allegedly" comes in since I didn't make the photo copy, of the issue published December 8, 1964; this photo copy or verifax copy that I have filed contains a list of names, one of which is Professor Van Alstyne.

Senator Hanes: On Page 9, you say, "It requires the truth and communists are not obligated morally or otherwise to seek for or to tell the truth."

Representative Dolley: No, sir, I didn't say that. Mr. J. Edgar Hoover said it.

Senator Hanes: Right. Now, "The Worker" is a communist publication?

Representative Dolley: That's correct.

Senator Hanes: Have you ascertained that Professor Van Alstyne is in fact one of those who signed this petition or are we to take the word of "The Worker", who obviously is lying?

Representative Dolley: Well, all I can say, all I can say, Senator, is that I haven't had an opportunity to sit down and talk with the editors of "The Worker" and ask them about it.

Senator Hanes: But isn't there somewhere else where you could find a list of those people who signed this?

Representative Dolley: Yes, sir, you can look in the issues of the House Committee on Un-American activities . . and I have . . I don't believe it's here. I have another

one in my file which I'll be happy to mail to you, Mr. Chairman, which lists a number of persons who have signed a petition advocating the doing away with that . . .

Senator Hanes (Interposing): But you don't know whether he did or not?

Representative Dolley: Well, I haven't asked him, and I haven't asked the editor of "The Daily Worker."

Senator Hanes: Thank you.

Chairman Britt: Mrs. Swindell, any questions?

Mrs. Swindell: Where did you think to get that information from? From a . . .

Representative Dolley: From "The Worker."

Mrs. Swindell: From "The Worker."

Representative Dolley: From the verifax copy.

Mrs. Swindell: From the verifax copy.

Representative Dolley: That's correct.

Mrs. Swindell: You asked all the questions I was going to ask. (speaking to Sen. Hanes)

Senator Hanes: I'm sorry.

Mrs. Swindell: That's all right. Thank you so much.

Representative Dolley: You're certainly welcome.

Chairman Britt: Any questions, Senator Kirby?

Senator Kirby: I believe I'll pass.

Chairman Britt: Mr. Zollicoffer?

Representative Zollicoffer: There's the names of some other people who teach at Duke and Carolina on this list, isn't there?

Representative Dolley: Yes, Sir, I think there is.

Representative Zollicoffer: Why didn't you mention their names? Is there anything sacred about that?

Representative Dolley: No, Sir, but I felt that Professor Van Alstyne had gone to great lengths to discuss constitutional aspects of this Law that we are considering here today.

Representative Zollicoffer: And so signing this petition asking for the abolition of this Committee bears on his ability as a lawyer, in his opinion, and we should not consider it?

Representative Dolley: No, it does not, Mr. Zollicoffer, but I will say that evidence, that if he signed that petition, I think evidence of his signature should be taken into consideration when this Committee determines what weight they will give to his testimony.

Representative Zollicoffer: I don't follow what you're driving at, Mr. Dolley.

Representative Dolley: Well, I am simply saying that, as you well know, Mr. Zollicoffer, being an able attorney that you are, a jury in considering a case has the right to believe all that a witness says, part of what a witness says, or none of what a witness says, and the jury has to make up its own mind as to the credibility of the witness. Now, this Commission is sitting in the form of a fact-finding jury.

Representative Zollicoffer: But the question of constitutionality is not a question for the jury, that's a question of law, isn't it?

Representative Dolley: It is also a question of legal opinion; and if a man has bias, his legal opinion might very easily be affected.

Representative Zollicoffer: And if these other people on this list wrote a legal opinion, then I should question whether that's good or not?

Representative Dolley: I would say if the other persons who had signed petitions advocating abolition of the House Committee on Un-American Activities came before this Committee and said that they felt the Law was clearly unconstitutional, that you should give consideration to any possible prejudice or bias they might have to their minds when they form and express that opinion to the Committee.

Representative Zollicoffer: Mr. Dolley, I believe you stated that the main objection was the communist doctrine being preached on the campus and thereby subverting and having students become interested in the communist party?

Representative Dolley: That's correct.

Representative Zollicoffer: Can you preach the communist doctrine on the campuses under the 1941 law?

Representative Dolley: Mr. Zollicoffer, I think you can lecture on communism. Now, in the opinion that was handed down in the Middle or in the Circuit Court of Appeals in the Scales case, it was pointed out, and, of course, there's a distinction here between the State Law and the Federal Statute, Smith Act, but it was pointed out that membership in the communist party, per se, was not unlawful, that it took more than mere membership. Now, at that time, the Supreme Court had not upheld the constitutionality of the McCarran Act requiring registration. That is a separate thing. You could, in my opinion, teach communism in a State-supported institution. Now, if you went further than that and if you espoused communism and advocated the overthrow of the Government, that if you took an active part, an overt act, if you entered into the conspiracy, then you would be in violation of the Smith Act and also the '41 Act.

Representative Zollicoffer: Well, I can assure you I'm not going to do anything . . .

Representative Dolley: Well, I'm sure you won't either.

Chairman Britt: Anyone else have a question?

Rev. Fisher: I would like to ask just one question.

Chairman Britt: All right.

Rev. Fisher: Go back to Page 8, please, again. This has been asked, but it still is not clear in my mind. "The foregoing does not begin to list the instances where subversive doctrines have been espoused at a State-supported institution of higher learning." Now, several times you've referred to conditions in the United States. Are you referring to general conditions over the Country, or are you referring specifically to

conditions here in North Carolina where you say, "A State-supported institution of higher learning." Now, what does that mean?

Representative Dolley: I am referring to conditions in North Carolina and an institution of higher learning supported by the State of North Carolina.

Rev. Fisher: Then, I believe you said you would furnish this Commission with this list?

Representative Dolley: Yes, sir, I will be happy to give the Commission any and all information that I have.

Rev. Fisher: And you do have such a list?

Representative Dolley: I have a list which is more inclusive and more extensive than the list which was included in my remarks today.

Rev. Fisher: I am sure that we would like to have it if you will give it to us, please.

Representative Dolley: I'll be happy to. Let me point out one other thing if I might in answer to your questions. You don't want to accuse anyone of being a communist unless you are absolutely certain of it. Now, since the passage of the Smith Act and the McCarran Act, the communist party has largely been driven underground. This has been set forth by the testimony of the secretary and many other communists. Therefore, it is sometimes very difficult to prove that a particular individual was actually a communist. You can offer evidence tending to show that he acted in a manner similar to a communist or that he espoused an ideology similar to that of communism, but that does not necessarily in and of itself prove that he is a communist.

Chairman Britt: Mr. Dolley, we thank you very much for your presentation;

Mr. Goodman, we appreciate your presence. Glad to hear from you. Senator Tom White, please come to the platform.

Our next presentation this afternoon will be by a member of our State Senate, Senator Thomas J. White of Lenoir County. Senator White is not only a member of the Senate but is a member and Chairman of the Advisory Budget Commission. He is also a member of the Board of Trustees of the Consolidated University of North Carolina and I recognize Senator Thomas J. White.

Senator White: Mr. Chairman, Members of the Commission. On yesterday, and again today, we have seen and heard some distinguished North Carolinians, Board Chairmen, University Presidents, Chancellors, Professors, and others parade their fears before this Commission. They fear that some of our institutions have already been damaged. They fear that this damage will become greater. They fear that faculty members will leave; and they fear that they cannot be replaced. These things and more they say they fear--the cause of fear--a law which denies the use of the facilities of State-supported colleges and universities to known members of the communist party and certain others mentioned in the Act. Already seized and shaken by these fears a worse fear, they feel certain, is yet to be realized--the fearful moment of loss of accreditation.

I do not share these fears with these distinguished citizens, many of whom who would probably acknowledge that I myself have demonstrated a continued interest in higher education in North Carolina. Least of all do I share their fear that the Commission on Colleges of the Southern Association of Colleges and Schools will

withdraw accreditation from the University of North Carolina or other accredited State institutions because of this law.

I believe in and respect the right of free speech, freedom of thought and search for the truth. I therefore ask indulgence while I submit my reasons for not sharing the fears of which my academic friends so freely take counsel.

At this point, Mr. Chairman, I'd like to distribute copies. I neglected to do when I started out. Now, Mr. Chairman, and Members of the Commission:

There are at least two basic reasons for my belief, the first of which is the following: You'll find it on Page 2 of the statement just handed you.

Now an accrediting agency cannot justify the arbitrary withdrawal of accreditation from institutions otherwise entitled to accreditation solely because of the enactment of this law.

To withdraw accreditation without just cause emanating from the accredited institution involved, would constitute arbitrary and capricious action. The Southern Association and each of its member institutions knows that neither the faculty, the administrative offices nor the governing Boards of our State-supported institutions, can exercise any control over the General Assembly of North Carolina. It is clear that the University of North Carolina has violated no standard prescribed by the Southern Association. It appears that all our accredited institutions now meet all criteria for institutional quality.

So far as I am aware, it has not yet been made clear as to the real cause of the precipitation of the Southern Association into its present unhappy position. I am not aware of any evidence to the effect that it has, of its own motion, initiated any

action of any kind on account of the so-called Communist Speaker Ban Law and I doubt that it ever would have done so voluntarily. Just who or what was responsible for its sudden interest after almost two years of this law's existence we do not know.

I am not aware of any agency empowered to regulate it or to confine the Southern Association which may possess power to act without just cause within reasonable limits.

To withdraw accreditation from a distinguished University meeting all criteria for accreditation, solely because of the enactment and continued existence of a law which offends some of the inhabitants of the academic world as to their concept of academic freedom, and without just cause or violation of prescribed standards, would in my opinion endanger or destroy the integrity and prestige of the accrediting agency itself. Such action would involve a calculated risk which the Southern Association would have to take. I doubt that such action would inspire confidence among its member institutions which are supported by other states whose legislatures could at any future session seek protection by enacting a law similar to our own law. Arbitrary action and abuse of power invite regulation.

The second basic reason for my belief is that:

There is no evidence to support the purported "finding"
of the Executive Council of the Commission on Colleges
of the Southern Association of Colleges and Schools, Inc.
that political interference hampering the educational
effort has occurred.

The so-called Communist Speaker Ban Law per se does not constitute "political interference" hampering the educational effort. This law prevents no

one, whether he be a communist, a racist, a traitor to his country, or any other type of individual offensive to the people of North Carolina, when speaking to students anywhere except on the campuses of State-supported colleges and universities. The law prevents no student, professor, or anyone else, from hearing or conferring with a scientist or a learned professor who is a member of the communist party. The law does not prevent professors from obtaining information concerning scientific discoveries or concerning the communist party itself; much of this information is obtainable from our libraries. We can safely say the Southern Association has made a study of this law. It knows the purpose and extent of the law. The representatives of its member institutions are fixed with knowledge of the facts.

To say to students and professors, "You may listen to, confer with, commune or consort with known communists anywhere and everywhere in the world except on this campus" is no substantial limitation on free speech nor on academic freedom. The law constitutes no denial of nor any sanction against the Constitutional right of free speech; it does not abridge the right of anyone to seek the truth. It does not hamper the effort of any professor to seek support for whatever he may decide should be the truth. The law may offend the selfish pride of some who are willing to place academic freedom above love of country and above the political freedom of generations yet unborn, but it does not abridge any rights which the opponents of this law are entitled to exercise.

The concern of those who live almost entirely within the so-called academic world is understandable, but when the law is examined objectively in the cold light of its limitations, it becomes self-evident that the Act does not impair nor inhibit academic freedom. That which is not understandable is: how any professor worthy of the name,

or capable of properly instructing young people entrusted to him for enlightenment, and a supposedly responsible employee of the University can have little enough common sense and so great a lack of self-control as to characterize members of the Legislature who voted for the enactment of this law as "enemies of the University," as bigots and as stupid. The State-supported colleges and universities can get along very well without the services of these particular products of academic freedom. I would not like to believe that the responsible representatives of the member institutions of the Southern Association are men of such small caliber. I sincerely hope that when the Commission on Colleges of the Southern Association is confronted with this issue for action, it will have before it for consideration the opinions of men who are more worthy of the name "professor" and who realize that academic freedom, as other "freedoms", should be exercised and enjoyed with responsibility.

When our State-supported institutions became members of the Southern Association that Association knew or had the opportunity to know that all North Carolina's State-supported institutions are subject to legislative regulation. The Constitution and the laws of this State so provide. The Association must take or reject its members as they are, and must deal with them in the light of their character and manner of creation, recognizing their limitations. This would include the recognition of the fact that North Carolina's State-supported institutions cannot escape legislative regulation by their creator, upon which creator they are dependent for their financial support and continued existence. The reasonable regulation of the use of the facilities at State-supported institutions authorized by the Constitution and laws of this State cannot constitute political interference with any legitimate or proper exercise of the authority granted by the Legislature to the governing boards. The

purported "finding" of the Southern Association Executive Council that there has been political interference with the authority of the governing board is not sustained by any fact, any logic or any reason. Action on the part of the duly elected representatives of the people, consonant with the wishes of the people relative to institutions owned and operated at the expense of the people as citizens and taxpayers, can hardly be held to constitute outside political interference.

Now, Mr. Chairman and Members of the Commission, let me sum up that point very quickly:

1. There has been no act of omission or commission on the part of the University or any other accredited State-supported institution constituting just cause for withdrawal of accreditation.
2. Withdrawal of accreditation without just cause emanating from an accredited institution would constitute arbitrary, capricious and unreasonable action and an abuse of power.
3. Such action would not enhance confidence in nor respect for the accrediting agency among its member institutions or colleagues, and therefore would be likely to endanger, damage or destroy the integrity and prestige of the accrediting agency.
4. Neither probation nor withdrawal of accreditation can be justified solely upon the basis of the continued existence of the so-called Communist Speaker Ban Law.
5. Consideration of unnecessary and arbitrary action resulting in damage, entails consideration of possible legal consequences.
6. During the almost two years subsequent to the enactment of the law, and before the issue of accreditation was raised, no voluntary action was taken by the accrediting agency involved.

7. Membership in the Southern Association was granted to institutions supported by the State of North Carolina with the knowledge that each of them is by the North Carolina Constitution made subject to regulation by the General Assembly.

And the world knows, and the educational world respects, the fact that the University of North Carolina is the oldest, and one of the most distinguished state universities in America. If this University is placed on probation or its name is stricken from the list of accredited institutions solely because of this law, the world will also know that its loss of accreditation does not result from lack of merit, lack of compliance with all standards prescribed for institutional excellence, or from failure to meet highest educational criteria. Such action would demonstrate to the academic world that this loss of accreditation resulted from arbitrary and unconscionable action, taken solely because of the enactment of a law which the representatives of the people of North Carolina thought wise.

Inclusion on the approved list of a nationally recognized accrediting organization is probably the most significant available indication of institutional quality; but by no means is it the only significant indication of quality, of institutional quality; nor is inclusion on the list indispensable to continued institutional excellence.

If the name of the University of North Carolina is arbitrarily stricken from the list of accredited institutions, there are other indications of institutional quality to sustain it. Are we to understand that it is seriously contended that the arbitrary action of a voluntary Association unjustly taken can in one fell swoop annihilate the great reputation earned by the University of North Carolina over the years? Can such action taken without fault on the part of the University destroy the earned respect which the University enjoys? Can it be said that this voluntary and unregulated

Association can by such caprice debase or detract from the achievements of distinguished graduates of the University of North Carolina? I think not. In my opinion the reputation of the University, the respect it enjoys, and the success, achievements and contributions of its graduates will sustain it. I doubt that many respectable institutions would refuse to accept graduates of the University of North Carolina in the event of its loss of accreditation because of this law. It is inconceivable to me that member institutions would recognize or countenance loss of accreditation inflicted solely for such a reason. In her long and illustrious history the University has endured much. It will endure more as the years come and go. She is a very durable institution.

With the aid of the liberal press, educators opposed to the Communist Speaker Ban Law have succeeded in disseminating a lot of frightful-sounding propaganda. The first flash flood of this material caused concern among a few thoughtful people and frightened many others--but the educators' chief achievement in this effort has been frightening each other.

Professional educators may be unlike most other folks in many respects, but when it comes to money their thinking is about the same as that of others. One of our chancellors made this odd statement concerning professors: "Our facilities are made up largely of men and women who have bypassed the practical world with its emphasis upon material gain in favor of the more modest, but no less demanding, world of thought." My personal observation is that few professors or other educators have forsaken or bypassed the practical world to the extent that they fail to seek the highest possible salaries the State will pay. They are not absent-minded about this. There may be some whose "professional pride" along with other considerations will make them consider leaving, but basically the question of their staying or leaving is one of

economics; otherwise, we would not continuously hear of how great the market now is for services of professors and of the large salaries they can obtain.

The University of North Carolina on its four campuses attracts substantial grants from the Federal Government and from various Foundations. Professors are greatly interested in these grants. Many grants are made directly to educators. Hopefully, by the time these hearings are over, and this Commission has labored long and hard and submitted its report, it will become clear that the Federal Government and most Foundations will continue to make grants to the University by means of which professors will be benefited whether or not the University of North Carolina remains on the Southern Association's list of accredited institutions.

Since these hearings began, announcement has been made of a grant by the National Institutes of Health to support a research and training program in pharmacology and toxicology in the School of Medicine at the University of North Carolina at Chapel Hill. This grant is for a period of seven years from September 1, 1965, and will total approximately \$17,000,000. Another grant from a Foundation of approximately \$4,000,000 is now being processed. There may have been others and I am confident there will be more.

The availability of funds, Mr. Chairman and Members of the Commission, usually produces feelings of security and dissipates fear. Money in large sums often becomes available at the University of North Carolina.

One of our chancellors in speaking of his faculty said: "These people value intellectual freedom above all else, and I'm quoting, and once they become convinced that it is being denied them they will move to other places where this valued freedom will be assured them." I hope the good chancellor did not mean to say that his faculty members value their conceptions of intellectual freedom above their love for their

country and above consideration of the reasonable wishes of the taxpayers whose money supports these people and the institutions which employ them. If there are some who value academic freedom more than these things, it would be better for the University for them to move on, and I believe there are a lot of people in the State of North Carolina who would be glad to help them move.

The University of North Carolina has an established policy of tenure which provides security for certain of its professors. Ways and means are provided to pay additional sums to certain of the professors in the University over and above salaries available from regular appropriations. The University of North Carolina offers much to those who are sincerely interested in a career in higher education, and I believe the most able professors are more far-sighted and more level-headed than they are portrayed to be by those who handle the fear propaganda for the opponents of the Communist Speaker Ban Law.

Speaking generally to the matter under consideration, I respectfully submit that for a long time I have been content to believe that there is nothing wrong at the University; that perhaps the trouble has been a lack of understanding between folks at the University and legislators. I have been very comfortable in my belief that all is well at the University despite the recurring charges of the existence of communist influences and the presence on the campus of professors who undertake to indoctrinate students in ideologies which are inconsistent with principles under which North Carolinians want to live. There is a wide difference, Mr. Chairman and Members of the Commission, between seeking the truth and adopting dogmas, and subjecting students to indoctrination.

I hold in my hand a book called "Politics USA". It was prepared by two University professors. I am informed that it has recently been used as a textbook for

a course at the University called "Political Science 42". I don't know whether it's still in use or not. It is little more than a collection of articles or "cases", recounting instances of strife, demonstrations, boycotts and civil disobedience. Most of the articles are designed to appeal to the emotions and point in the direction of liberalism and socialism. Of our Constitution the "authors" of this book say or remark, and I quote: "The Constitution could survive only if the relationship between the states and the national government could be made a flexible and evolutionary one." (That finishes the quote) The authors state in the Preface to the volume very frankly, and I quote again, that "A good deal of frankly partisan material has been included and we have not worried very much about immediately offsetting one such piece by a selection representing the opposed view." (Finish of quotation) If it is essential that a textbook for a political science course constitute an instrument of indoctrination, I think this book meets the test. I would like permission to leave this book with the Commission.

When pieced together, bits of information which have come to me from students, and from professors (some of whom say that for economic reasons they are afraid to speak out), and from observation, I have become very uncomfortable in my thinking in regard to the University which we all love so well.

I cannot say why ugly charges keep recurring but I don't believe it helps any to go all out for the doubtful freedom of having known communists and all kinds of odd-ball beatniks speak on the campus with the University's cloak of respectability draped around. I sincerely hope that my present concern and fears are as unfounded as the fears of those who contend that the so-called Communist Speaker Ban Law is an abridgement of free speech and constitutes a limitation upon academic freedom.

I agree that academic freedom in its true sense is essential to a great university, but it must be responsibly exercised and enjoyed to be maintained.

I do not know what the accepted definition of academic freedom is at the University of North Carolina, but if the present concept of academic freedom at any of our State-supported institutions includes either as necessary or advisable a program of having known communists and other subversives speak to students with the apparent approval or acquiescence of those in authority at these institutions, then I am against that kind of academic freedom. I should hope that we have enough patriotic and loyal professors in our institutions who are familiar with the theories expounded by communists to teach our young people all they need to know about communism. I do not understand why it is thought necessary to permit students to invite and receive with acclaim representatives of our worst enemies for any reason. I believe that all North Carolinians who love the University would like to see the true facts discovered and disclosed as to just what the situation is with respect to charges of the existence of communist influences and the presence on the campus of those who seek to indoctrinate students in ideologies which would be offensive to North Carolinians. I can think of no more profound service which could be rendered to the University or to the State than to have such charges set at rest once and for all.

The State of North Carolina has hundreds of millions of dollars invested in the University system and in our other State-supported institutions. The people of North Carolina have many millions of dollars and a lot of love and concern invested in the students committed to the care of those in charge of our institutions of higher learning. It is the duty of the governing boards, administrative officers and faculty members of our institutions to maintain a safe and wholesome atmosphere of learning and intellectual

curiosity. I think they have an equal, if not more important, duty to avoid, stamp out and protect against the indoctrination of students in ideologies or whichever you call it, inimical to the way of life our people respect and desire. And when the governing boards, administrative officers and the faculty, one or all, fail to discharge this responsibility, then it becomes the duty of the Legislature acting under Constitutional authority, to provide such measure of protection by State law as may seem necessary or advisable. This is the clear intent of the Constitution. The Communist Speaker Ban Law is a wholesome law; it does not impinge on academic freedom. It seeks to prevent a dangerous exercise or abuse of academic freedom.

I would respectfully suggest to the faculties, the administrative officers and to the governing boards of our State-supported colleges and universities that academic freedom, important as it is, must be exercised in the light of an understanding of duty, a high regard for loyalty, a respect for honor, and an obligation to the people of the State of North Carolina. Thank you, Mr. Chairman.

Chairman Britt: Senator White, we appreciate your remarks. We would like to ask you to answer a few questions, but right at this time we're going to take a ten-minute break and ask Members of the Commission to be back strictly at five minutes past four o'clock.

The Commission will please come back to their places. Visitors will please take their seats. Let us resume.

This meeting will be resumed at this time. Mrs. Swindell, do you have any questions of Senator White?

Mrs. Swindell: Yes, Senator White, in view of all that's been said by the Southern Association and the fact that we, it's generally admitted that it will be a threat to accreditation; suppose this is carried through, what would be your course of action then?

Senator White: What would be my course of action?

Mrs. Swindell: What would you think would be the right thing to do for the University, and our State-supported institutions, and North Carolina, too, as far as that's concerned?

Senator White: Well, I should think, Mrs. Swindell, that the University people should already have a plan to prevent that action by a legal means if they can, and to do anything else they can to prevent it. I think the Southern Association may be found to have no legal right to do what it is conceded as threatening to do. I don't think it's ever threatened it really. I don't construe what they have said as a threat. It's an indication, I think, and I think somebody got them to do what they've done. I don't know who did it or why it was done. I know why it was done, of course, because at that time it came out there was some hope that the Bill would be introduced in the Legislature to amend or repeal this Law, and I think it was part of the propaganda.

Mrs. Swindell: Well, then, are you saying you think all this threat of the so . . . accreditation of our colleges is merely a threat?

Senator White: At the time, Mrs. Swindell, I said that I considered it to be a spurious threat and I still think so.

Mrs. Swindell: And then you are prepared to let the universities and colleges to right down the line to get to that position where it could be carried out?

Senator White: Well, that wouldn't take any preparation exactly on my part.

Mrs. Swindell: You're ready to?

Senator White: I think I . . . let me . . . yes, I'm already ready to meet it if I can meet it, if I could, but I'm not in the position. I think the people at the University should be prepared to meet it.

Mrs. Swindell: Well, don't you think all of that publicity of North Carolina and the accreditation being withdrawn and everything to the State would be injurious?

Senator White: Yes, Ma'am, I've thought so for a long time. I never had been to a Trustees' Meeting before some time back in May, and at that time I suggested to the Trustees that the course that they had embarked upon, of course, they know better than I perhaps, but my own opinion was that they were just getting into this very sort of thing, and I suggested at that time that they not undertake to repeal this Law.

Mrs. Swindell: Well, are you saying that the University has undertaken to repeal the Law or been any effort in that direction?

Senator White: Well, I think the University, many people at the University are seeking the repeal of the Law. They can't do it, of course. If they could, they would already have done it and that they're asking the Legislature to do it.

Mrs. Swindell: Well, thank you very much.

Chairman Britt: Any questions, Senator Hanes?

Senator Hanes: Yes, Sir. On Page 11, you say, "I have been very comfortable in my belief that all is well at the University despite the recurring charges of the existence of communist influences and the presence on the campus of professors who undertake to indoctrinate students in ideologies which are inconsistent with principles under which North Carolinians want to live." My question is more grammatical than anything else. Do you mean by this that the presence on the campus of these professors has been charged or that you know of the presence of professors on the campus who undertake to indoctrinate students in these foreign ideologies?

Senator White: If I knew of any, Senator Hanes, I would have already made a public record of it and called it to the attention of the Trustees, but I do not know of any, but I hear of them and I discount them. I have always discounted what I heard about things of that sort. You find actually you are dealing with a community when it's in full swing of maybe some 20,000 people, and you are going to have a lot of fools in that big a crowd, and I never had thought a whole lot about it until this thing came on and then, of course, the publicity that has attended this investigation has brought things to light, and I can't cite you any particular instances. I wouldn't do it if I could because I, most of these things come to me in confidence, but there are some that are worthy of some belief.

Senator Hanes: That's all.

Chairman Britt: Senator Kirby, you have a question?

Senator Kirby: Yes, Sir. Senator White, on Page 2 of your presentation, you make a statement, "The accrediting agency cannot justify the arbitrary withdrawal of accreditation from institutions otherwise entitled to accreditation solely because of the enactment of this law." Further on down in the page you make the statement, "It is clear that the University of North Carolina has violated no standard prescribed by the Southern Association." As a matter of fact, now, isn't this exactly the same situation that Georgia and Mississippi in years past have found themselves in, where the institutions themselves did nothing to justify the withdrawal of accreditation but political interference caused the loss of accreditation?

Senator White: Senator, regrettably, I am not familiar with the situation in Mississippi and Georgia except what we see on the television, and that's mostly just clapping hands and people rushin' around. I don't know that situation, Sir. I see what - your question, of course, deserves an answer. You're asking me in effect how North Carolina can escape that same situation, even though it had done nothing to warrant it except the Legislature has passed this Law. Well, Sir, I think we can prevent it and I think if, , I think if the withdrawal of accreditation comes on an unjust basis of this sort, I think resort can be had to the courts. I haven't done any research on it, but I can give you a horseback opinion.

Senator Kirby: All right. Now on Page 4 you make the statement, "It becomes self-evident that the Act does not impair or inhibit academic freedom." Senator White, you will admit there is some difference of opinion on that statement, wouldn't you?

Senator White: Senator, I have lived long enough to know there is a difference of opinion on almost every kind of statement that's made about anything.

Senator Kirby: All right. On Page 6, your paragraph numbered 5, at the bottom of the page, I wish you would elaborate on that for us.

Senator White: That paragraph, Senator, is the one that says, "Consideration of unnecessary and arbitrary action resulting in damage, entails consideration of possible legal consequences." Is that the one you're referring to?

Senator Kirby: Yes, Sir. I would like for you to elaborate on that.

Senator White: Well, Sir, as I said a moment ago, I have not had an opportunity to do any research on this matter but here the State of North Carolina has a tremendous investment in the University and in its reputation. Now, the Legislature passed a Law, and more celebrated lawyers than I have said that it was unconstitutional. I think it is constitutional, but anyway, whether it is or not, the action of the Legislature was valid. Now, I think that where you have any kind of an outfit damaging State property, and you know that it's about to be damaged, I think any time that this does constitute a real threat. I think the people at the University should call upon the Attorney General of North Carolina to institute a suit in an effort to restrain these people from withdrawing accreditation or placing the University of North Carolina on probation.

Senator Kirby: That's the question I wanted to put to you. Do you foresee the use of restraining orders or an injunction or some other legal relief if this situation should develop? Is that correct?

Senator White: I see that a, I see that as a possibility. Well, I see it, Senator, as a matter that ought to be investigated to determine whether or not the people of North

Carolina have that right to correct this wrong. Now, of course, that isn't like cuttin' a tree down. You know once upon a time a man undertook to restrain another one from cuttin' a tree down. He went ahead and cut it down anyway. While the case was pending in the Supreme Court, they let him put the tree back up, but I think that something of this sort where all it takes is a stroke of the pen to knock the University off some kind of an exalted list, I think that with little more effort you could put it back, and I think if the State has a right to keep the accreditation of its University, which meets all criteria, then I think the court would require them to put it back on the list.

Chairman Britt: Any further questions, Senator?

Senator Kirby: A couple more I may want to ask in a minute.

Chairman Britt: Mr. Zollicoffer.

Representative Zollicoffer: I take it, Senator White, that you believe that the passage of this Law should not affect accreditation?

Senator White: Mr. Zollicoffer, I would say that the enactment of this Law and its continued existence on the books does not afford a proper basis for standing alone for withdrawal of accreditation, yes, Sir.

Representative Zollicoffer: I don't, I take it, then, then, that you believe accreditation means something and if we should lose accreditation, it would affect the State-supported institutions of higher learning?

Senator White: Yes, Sir. I have said -- what I -- in my presentation that accreditation is looked upon as the most significant evidence of institutional excellence or quality,

but I said also that it was by no means the only thing that you can, by which you can attain intellectual quality or excellence.

Representative Zollicoffer: Two years has now passed since this Law was enacted, and we've had this controversy. Do you think now if control were returned to the Trustees, and you are a member of the Trustees, that they would adopt rules and regulations affecting the appearance of communists and subversives on the campuses of our State-supported institutions?

Senator White: I frankly don't know what the Trustees would do. I've never been to but one meeting and I don't see how they get anything done if all the meetings are like that one. There was a whole bunch of people and a great big hall and it looked like everything was pretty well fixed and I guess they work with committees. I wasn't even dry behind the ears, Mr. Zollicoffer, as a Trustee, and perhaps I am considered not yet to be dry behind the ears or to have adopted any kind of concept of what a Trustees' meeting should be, but I don't see how a hundred men in a big crowd can sit down and consider many things that are real important and to come out with it. I think they would have to sit down and go over a matter of policy such as this very carefully, and I assume they would, perhaps through a committee.

Representative Zollicoffer: And do you believe in going over a matter of policy, since all this controversy, that they would probably adopt rules and regulations affecting speakers such as communists and those who plead the Amendment?

Senator White: Well, Sir, if I had to predict on the question of whether they would or not, I'd say that I should think they most certainly would; I should think they'd be very foolish not to.

Representative Zollicoffer: Then, if you believe, and suppose this Commission believed, that they probably would do such, would it not be in the best interest in not running any risk of loss of accreditation to attempt something like this? What's your opinion on those?

Senator White: My opinion is that you ought to keep your law on the books until they work out something.

Representative Zollicoffer: If they worked out something, since you have stated that accreditation does mean something, if they worked out some rules and regulations whereby they were going to regulate these people, then would you go along with an amendment to the Law which would place it in the hands of the Trustees? Would you think that would be proper in order not to avoid the publicity which would be bad admittedly in a controversy over accreditation?

Senator White: Mr. Zollicoffer, your question poses too many imponderables for me to give you a direct answer on that. I would say that the present Board of Trustees, at least a majority of them, are committed by resolution to seek the repeal of this Law, period, and I don't know what that Board of Trustees would do, and I don't know what kind of policy they would work out. But .. and .. I wouldn't do it simply for accreditation. If any policy is worked out, it ought to be done for the proper operation of the University, taking the people of North Carolina into account and not just folks who are seeking careers in, as professors, or who are just ambitious or who want to make more money, or who usually want to use or are willing to use the University just for their own purposes. I think the people of North Carolina--and I'm sure you agree--have a tremendous stake in this thing, and I should think it would take some time to work out a policy if one could work it out. Have to look at it to see if I would go along with it.

Representative Zollicoffer: Thank you.

Chairman Britt: Senator White, trying to sum up in my own mind just what your position is on this matter, am I correct in assuming that your first position is that you do not believe that the Southern Association will withdraw accreditation because of the Speaker Ban Law? Is that your first assumption?

Senator White: Yes, Sir, I don't fear that they will. I think they, I don't see how they can afford to.

Chairman Britt: Senator White, are you aware of the fact that an immediate past director of the Southern Association, who just left the Association on January .. on July 1 of this year, I believe it was, appeared before this group yesterday and gave us his opinion that that action would be taken on this matter. Were you aware of that appearance and that statement made here?

Senator White: No, Sir, but I am not surprised.

Chairman Britt: Yes, Sir. Now, Senator White, I want to ask you just a question or two about your ideas along the legality that you, or legal steps that you contemplate here in your statement; you and I, both being lawyers, recognize, say, the American Bar Association as being a voluntary organization, isn't it?

Senator White: Yes, Sir.

Chairman Britt: We don't have to belong to it, do we? But I say we don't have to belong to it, do we?

Senator White: No, Sir, we do not.

Chairman Britt: in order to . . .

Senator White: We have to belong to one that I know of . . .

Chairman Britt: That' the State Bar, Inc. ?

Senator White: Yes, Sir.

Chairman Britt: But as far as the American Bar Association is concerned, we have to be voted into that organization and be accepted for membership, do we not?

Senator White: Well, sir, you have to apply and pay your dues. I don't think it's much of a problem on getting voted in.

Chairman Britt: All right, sir, anyhow after applying and paying your dues, you are accepted into membership.

Senator White: Yes, sir.

Chairman Britt: Now, Senator, let's assume . . let's assume that membership in the American Bar Association carries with it certain special privileges; that the star by your name or my name in Martindale & Hubbel Law Directory would enable us to get certain clients. Do you think . . do you think that we would have a right, you or I, as a lawyer, to sue the American Bar Association to make them take us into membership in that organization?

Senator White: No, sir, we could sue 'em, but I don't think we'd get anywhere.

Chairman Britt: Yes, sir - all right, sir. By the same token, let's assume that we are members of that voluntary association and that we are expelled from membership. Do you think we'd be entitled to have the American Bar Association restrained from dropping us from membership in the Association?

Senator White: No, sir.

Chairman Britt: Senator White, are you aware of the fact that the Southern Association of Schools and Colleges has set up as a voluntary association of membership schools and operated as a voluntary association until not many months ago when it was incorporated and the same purposes were set forth in the Articles of Incorporation? Were you aware of the nature of that setup?

Senator White: Yes, sir.

Chairman Britt: You are aware of the fact, are you not, that in order to become a member of the Southern Association, that you have to petition for membership and have to meet certain criteria? You are aware of that, are you?

Senator White: I am not familiar with that. I would assume that would be true.

Chairman Britt: Well, you and I have heard right much of it on the Appropriations Committee about various institutions coming before us for more monies for the library and all that sort of thing and say we need this to qualify us for membership in the Southern Association.

Senator White: Mr. Britt, I would say that there is much done under the threat of disaccreditation.

Chairman Britt: Now, the point I'm leading up to, Senator, and I want to be, although we're joking about this matter a little bit, I want, I think it's a serious matter and I want to be serious about it; how can you say that seriously, that seriously, with the Southern Association, being a voluntary organization in which membership in it is not required, and in order to get in the organization that you have to petition for membership and be accepted to membership, how can you then say that one can bring a suit against this Association and restrain it from dropping you from membership?

Senator White: I didn't say that, sir. I said that the State of North Carolina has a stake in this so that to the extent that if it is to be damaged by this outfit keeping the name of the University of North Carolina off its published list of accredited institutions, if the State could be damaged that way, and it has no action at law, then I think it could evoke the equity jurisdiction of the courts to protect itself.

Chairman Britt: Well, Senator White, in order to remain a member of an organization like you and I would use again, the American Bar Association, do you not think that the organization has the right to prescribe rules and requirements for membership in a voluntary organization?

Senator White: Yes, sir, but I do not think--maybe I'm not looking at it in the same light you are--I don't look at accreditation as being a membership proposition.

Chairman Britt: Are you aware of the fact that accreditation and membership go hand-in-hand?

Senator White: Yes, sir.

Chairman Britt: That in order that whenever you become a member of the Southern Association, you are then accredited by the Association? Are you aware of the fact that the two are hand-in-hand?

Senator White: No, well, again, I would . . . no, sir. I don't know exactly what the rules are, but I would say I wouldn't be surprised if that one isn't sort of dependent on the other.

Chairman Britt: Now, moving on to the next step, the next conclusion I think you have drawn here, I gather that what you are saying is that if accreditation must go, that is, even if legal action were attempted and were failed on that, that it must go, then we would just have to lose accreditation rather than modify or amend or repeal the Speaker Ban Law?

Senator White: Well, sir, I wouldn't . . . if I was going to express it, I wouldn't express it exactly as you have.

Chairman Britt: I hope you can express it better than that, more eloquently. But what would be your summation on that?

Senator White: Well, I would say that if it's necessary to prevent what I, what I would consider or what could be considered as an unreasonable exercise of academic freedom and that if the only thing that could prevent it would be to keep the Speaker Ban Law on the books, I'd say keep it on there and let accreditation go and see what would happen.

Chairman Britt: Senator, you are aware of the fact that accreditation does mean quite a bit?

Senator White: I am perfectly aware of it. I have said that I think it is the most significant indication of institutional excellence, and I just wonder if, in our discourse here, we could assume that if accreditation was taken away, that all we'd have to do to get it back would be to repeal this Law.

Chairman Britt: I believe I'll pass for the time being.

Colonel Joyner: Senator White, you said that differences of opinion can develop between any people, and I am about to develop a difference of opinion with our Chairman. You are familiar with membership in professional organizations such as the American Bar Association, the American Medical Association, and the American Dental Association. Now, they, whether properly or not, carry a certain, as you say, and as the Chairman said, a certain value or status, and whether or not getting into them may be easy--it may be easy or it may be hard--but isn't it a fact that if you get in and become a member of one of those professional associations, it's exceedingly difficult to expel a member? He may be dropped for non-payment of dues, but have you ever seen an incident where they tried to expel a member?

Senator White: Yes, sir, I have seen that with some churches, which are voluntary organizations. I've seen one congregation that had a preacher to come in during vacation, his vacation, the regular pastor's vacation, and when the regular preacher got back the other preacher had the congregation so sold on his price that they tried to expel the old preacher. It's very difficult in a voluntary organization to kick anybody out.

Colonel Joyner: I'm talking about a professional organization; in a professional organization, it's almost impossible to get rid of a member, expel a member, except for good and just cause.

Senator White: Except for cause, yes.

Colonel Joyner: And there's been a good deal of litigation, has there not, of whether they have proven just cause?

Senator White: Sometimes it's very difficult to prove. Sometimes what they think is just cause is maybe dislike or prejudice or something of that sort.

Colonel Joyner: And would you not say that it's pretty well established that a member of a professional organization is entitled to his day in court?

Senator White: Yes, sir.

Colonel Joyner: As to whether there is just cause for his expulsion?

Senator White: Yes, sir. I certainly would.

Colonel Joyner: Have I developed that you and I have a difference of opinion?

Chairman Britt: Let the record so show that we probably do. Mr. Thornburg, you have a question?

Representative Thornburg: Mr. Chairman, I'm not sure exactly what my opinion is with regard to you two gentlemen.

Colonel Joyner: Do we have three opinions . . . ?

Representative Thornburg: I would say, perhaps, Senator, that you would agree that if in fact a fight did develop over accreditation in the courts, that perhaps the damage to our institutions of higher learning would already be done, and in the words of Justice Parker, we would have perhaps won a rather empiric victory, or would you agree with that?

Senator White: Well, sir, I'd have to see it develop to know, but I think it would be damaging, of course. It's just, any kind of a lawsuit can bring about untoward consequences whether, regardless of who wins. But I think that if accreditation is as important as has been portrayed to this Commission, that it would be worth the State's fighting for, and if it took a lawsuit, well, if you can't agree on things, that's the place to go to get to the end of it. That's why we call them having trials. We try to find out to see who's going to win.

Representative Thornburg: Would perhaps, then, be your opinion that damage would result in the event this became necessary?

Senator White: Yes, sir, but I think it would be temporary-- it might, you know sometimes when we have battles and the dust settles, and the smoke clears, we are better off even if we lose. We've gotten the battle out of the way anyway.

Representative Thornburg: Some other statements here in your remarks interested me about the possibility of professors leaving. I think, from personal experience in public life, I have determined that once the people believe that you are a self-made illegitimate, may we say, whether in fact that be true or not, nevertheless, if they believe that, again you have damaging results; and that if, in fact, our professors, good ones, believe that this is an infringement on academic freedom and were to leave the University or other campuses, in fact, we would sustain damage there. Would you agree to that as correct?

Senator White: Well, I think if we had a professor who was an able man and who was real gung-ho on academic freedom, and for that reason he'd leave the University, we'd lose him, we'd be damaged to the extent of having lost his services, and it might take

some time to get somebody who was equally as good to come to a place that had a Speaker Ban Law.

Representative Thornburg: I noted with interest the remarks on Page 13 that you believe that all North Carolinians who love the University would like to see true facts discovered and disclosed as to just what the situation is with respect to the charges of the existence of communist influence and the presence on the campus of those who seek to indoctrinate students in ideologies which would be offensive to North Carolinians. Would you propose that someone make an investigation, for example, the Board of Trustees, or the Legislature, or this Commission?

Senator White: Mr. Thornburg, first, I say I think we ought to know how to find out, which would be the best way to find out with the least damage to the University, I don't know. Sometimes you know it's just the thought that somebody's going around trying to find out about something about an organization or an individual is damaging. But I think we've heard so much about the thing, I don't personally, I don't think there's, I never have thought there was a whole lot to it. I don't think there's a communist under every book over there at Chapel Hill. There may not be any, but I know there have been some. I say I know it--I don't know it, but I've heard it to the point where I'm willing to believe it and I think that the people of North Carolina, all of us, need to know, and it seems to me that although it has been repeatedly said by President Friday that there is not one communist over there, and I assume he knows what he's talking about--But it isn't so much that it's, as I see it, it's the kind of people that have, who come in contact with; particularly with freshmen, giving them. Here they are for the first time, lots of them, away from home--it used to be that way, not so much now. They come in contact with

an instructor or a professor who to that child represents the University. Now, if that man is one of these way-out fools, he can have a profound effect on that boy's whole college life, as well as his life thereafter. I don't know whether they screen them or not for things like that, but I think that whatever there is over there, if we can't be satisfied from an investigation within the University, then I think you ought to have one from the outside; perhaps from this Commission. I don't know, sir.

Representative Thornburg: My recollection, in brief, of what has been brought to the attention of this Commission to date about communist activities over there, would be something like this: That perhaps there've been in the past twenty years, 40,000 to 50,000 graduates of the University, and of that number some four or five, perhaps, have professed or later been found to hold communist ideologies, leftist leanings; also, that there have been one or two communist cell groups perhaps--no indication of number of participants, and that in addition to that, there may have been at one time an assistant professor who was not re-hired at the University when he failed to take the loyalty oath, now, and that perhaps there have been perhaps two or three communist speakers, known communists speaking there on the campus out of several hundred who passed through there each year. Now, my question would be, on that basis do you think that we would be justified in concluding that this Law was necessary in the first place?

Senator White: Your hypothesis accepts as a fact that out of 40 or 50 graduates there have been two or three communists and there aren't any now over there?

Representative Thornburg: That is our information. First, let me ask you this question. Forty or fifty thousand . . . but first let me ask this question. Is there any fact known to you that would indicate that this Commission might have been deceived by anyone who

had appeared before it or who had failed to divulge the full truth of matters that might be within his knowledge? And then we'll get back to the second question.

Senator White: No, sir, I know of no such fact as that.

Representative Thornburg: Then, the second question would be the first which I asked; do you think that on the basis of those facts if we assume them to be true that that would be an adequate basis for us to assume that this Law should have been passed in the first place?

Senator White: Well, sir, another matter would go into that. Whatever the reason for its being passed--I don't know what it was--but it seemed to be a lack of knowledge or lack of confidence in what the situation was at the University of North Carolina. I don't know what the cause of it was except these recurring things, and I don't know-- I don't know what--whether we can take the facts here or not and say whether they would indicate whether the Law should have been passed or not. Now, as I understand it, the view of this Commission to hear the facts and study the matter and make its recommendations. Now, of course, the Law has already passed. Rightly or wrongly, it's on the books and you have had a lot of testimony here and it to a great degree poses the question of just who is going to control the University. Now, I didn't say 'operate' it, who's going to control it? Now, of course, the Legislature would delegate, has delegated the operation of it to the Board of Trustees. Now, the Board of Trustees is making the policies. Its policies in the past have either been such as to let objectionable people speak on the campus under conditions that many people don't think are right or it has paid no attention to those things, one or the other. That may have been the

cause for the introduction of the Bill. I knew nothing about it until it had already passed the House and came over to the Senate. I don't know whether I'm answering the question or not, Mr. Thornburg. I'm willing -- I'm willing to answer it if I can. I don't think that the question is before us really as to whether the Law should have passed or not. It's a question of whether we're going to leave it on the books or not.

Representative Thornburg: Only in relation as to whether or not there would be a justification for recommending leaving it, I think. There's one other thing that to me seems to be significant today, and I wondered if you agreed with this statement that was made by Colonel Parker from Concord, and it relates to the youth with which we're dealing, and it says "Today, right now, our young people have just as much intelligence, just as much moral courage, and just as much fortitude as did the fathers of our Country in their day." That, to me, goes to the heart of how much protection they need. I wondered if you agreed with that?

Senator White: Well, sir, I've seen some of them that didn't need any protection and, as a matter of fact, we needed protection from them. But it's a question of, well, I'll express it to you as a friend of mine did who's a very prominent citizen. He said, "I've got two boys." He said, "One of them could go over there to Chapel Hill or anywhere else and listen to all kinds of crackpots and/or communists of any brand you want to talk about, the Chinese brand or the Russian brand, or any of them, and they'd never get to first base with him, but I have another boy that would take it hook, line, and sinker." So we have a great many different kinds of people and kinds of children; and if an influence of that sort is capable of ruining the lives of just one or two, I think we ought to do what we can about it. But to come to your question as to what I think about

the present, modern-day youth, I think that the young people of today, by the time they finish high school or prep school know vastly more than the folks of my generation did when they finished college. I think they are way out ahead of us. It may be -- one reason may be that there's a whole lot more to know. Another reason is that they've got automobiles to ride in instead of horses and buggies, but I think the youth of today, well, if I may, if I may just take a minute of time, Mr. Thornburg, to give you, to illustrate my point in answer to your question. I have served ever since the inception of the Morehead Scholarship Foundation, I have served on the District Committee, and perhaps the most refreshing experiences that I have had in my life have been to see how fine, how intelligent, how able the youth are of today. Of course, I was seeing the top level of them, perhaps, but I would say that most of them don't need any protection. But I say that those that do ought to have it.

Representative Thornburg: Now, one other question. I preface it by saying that using your term perhaps, I am "comfortable" in the knowledge that you are on the Board of Trustees will act wisely, and I wonder if, getting back essentially to what Mr. Zollcoffer asked if you can foresee the desirability of the return, under given circumstances, of the control of visiting speakers to the Trustees themselves? I might point this up, too, that as best I can understand from what has gone into the evidence here, there's been absolutely no evidence of question except as to the University campus at Chapel Hill or perhaps a campus of the Greater University, yet this Law affects all of the institutions of higher learning. I'd like, I wonder if you'd care to comment further on that?

Senator White: Well, sir, before I could comment on that with any degree of positiveness, I would have to see what the Board of Trustees propose. I would have to know how they propose to do it, and I would have to, I would have to gain my own evaluation of their sincerity and of their resolution to do it if they adopt . . . You know, you can adopt all kinds of rules and regulations and then not go by 'em. I would just have to . . . on that I would have to be convinced that it was the thing to do by perhaps participating in it as I -- maybe to the irritation of others -- but anyway, I'd like to know something about it.

Chairman Britt: Dr. Fisher, do you have any questions?

Rev. Fisher: Yes. On Page 11 and 12, Mr. White, you've submitted a textbook here in evidence, and I certainly want to look at it. I'll go back and read just part of that . . of our Constitution. The authors are marked. "'The Constitution could survive only if the relationship between the states and the National Government could be made flexible and an evolutionary one.'" The authors state in the Preface to the volume very frankly that "A good deal of frankly partisan material has been included and we have not worried very much about immediately offsetting one such piece by a selection representing the opposed view." And then you go ahead and say, Mr. White, "If it is essential that a textbook for a political science course constitute an instrument of indoctrination, this book meets the test. Then you said you'd like for us to, like permission to leave this book with the Commission. Now, the question I would like to ask; I assume you have read this book or, at least parts of it?

Do you feel that perhaps in the interest of the young minds that you're concerned about that perhaps a book like this ought not to be taught, it ought to be left out of the classroom?

Senator White: Well, sir, as everyone knows, I am not an educator, and perhaps I am not qualified to pass upon that question from that point of view, but I have lived quite a while, and reading parts of that book indicates to me the possibility of a professor taking that book and holding it up as the text that students are supposed to use as foundation material for their thinking. You could take that book and wreak havoc with students who had no particular views of their own.

Rev. Fisher: But you wouldn't recommend that it be banned?

Senator White: No, sir, there's not much use in recommending that anything be banned over there as far as reading material is concerned because I think, I don't believe in banning information of that sort, but when you have -- when you have, when you have information which can be utilized to harm, I think, I think it's poor policy for a university to use it.

Rev. Fisher: Well, I'm sure, Mr. White, you can appreciate the very difficult position we're in as we try to come to grips with these facts. Now, just one other question. The question occurs to me that if the Legislature as a whole should consider a book such as this detrimental to the University and students, in your judgment would it have the right to pass a law saying such a book could not be used at the University?

Senator White: Well, to answer you directly, I would say I think it has the right. The Legislature can do anything it wants to, but I don't think the Legislature ever would, because it's not a censorship organization exactly. It's been accused of being that on this Speaker Ban thing, but I don't think it amounts to that.

Rev. Fisher: That's all.

Chairman Britt: Senator White, we appreciate your appearance and apologize for delaying you too long and asking too many questions, but I think we enjoyed it, and I know you did.

Senator White: I sure did, Mr. Chairman. Let me leave one other thing. I was interested in some questions of the Commission, by Members of the Commission, about -- to Mr. Dolley. I have here a copy of some kind of a paper called "The Worker." It's December 8, 1964; reporting under headline, "100 law authorities ask end of House Un-American Activities Committee and ask that the Committee's files be placed in the Government Archives and sealed fifty years." I thought you might be interested to know that among the names of the signers, according to this report, are Professor John P. Dawson of the Harvard Law School, and Professor William W. Van Alstyne of Duke University, and Professor Daniel H. Pollitt of the University of North Carolina. I thought I'd just leave this with you.

Chairman Britt: All right, Senator. Ladies and Gentlemen, our next presentation this afternoon is going to come from the Presbyterian Synod of North Carolina, and I'll ask please that the Reverend Dr. Harold Dudley please come to the platform. While he is coming to the platform, I'd like to say this, that we have this group to hear from this afternoon. We have one other group, namely, the presidents of the student bodies of at least three of the campuses of the University of North Carolina. They wrote in, asked to be heard, everyone that's been on the program today, they were scheduled. Since coming into the building today, I've been requested by one or two others to be heard, and I will have to say at this time that we will not be able to hear anyone except those that are on the agenda, that is to say, the Presbyterian group that is now before

us and then the student body presidents who will follow them. In fact, in fact of business, we're going to have to terminate around 5:30. At this time I recognize the Reverend Dr. Harold Dudley of the Presbyterian Synod of North Carolina.

Dr. Dudley: Mr. Chairman, Honorable Members of the Commission. I am Harold J. Dudley, General Secretary and Stated Clerk of the Synod of North Carolina, with my office here in Raleigh. My colleagues are Dr. Everett K. Brown, in the back seat, who is the Minister of the First Presbyterian Church of Goldsboro, North Carolina, and Dr. B. Frank Hall, Minister of the Pearsall Memorial Presbyterian Church in Wilmington. We represent the Synod of North Carolina Presbyterian Church in the United States, whose roots go back to 1736 and whose official records begin in 1788 and are extant. At its 151st Session meeting at Montreat, North Carolina, last year in early June, the Synod of North Carolina took an action relating to this Speaker Ban Law, and again at its 152nd Session, meeting in Richmond, Virginia, this year, in May--May 25-26, took another action. We have presented already to the Commission copies of this statement, of these statements, and our supporting statement to that. This is an official copy with several corrections in it. (We found several errors) We'd like to place in your hands. It seemed wise that I should read to you these two Resolutions, and then we would like for Dr. Hall, who is one of the most distinguished ministers of our Synod, in fact, of our entire General Assembly, a man whose ancestry goes back more than 200 years in North Carolina, and his people have lived in the eastern part of the State most of their time; then let him, after I have read these Resolutions, present the supporting statement and any remarks which he would like to make; and then, if you wish to address questions to either of us, we shall be happy to

endeavor to answer them. This is the Resolution which was adopted at the meeting of the Synod of North Carolina on June 10, 1964, meeting at Montreat:

"The Synod of North Carolina, being deeply concerned for the preservation of Christian liberty and the maintenance of those individual freedoms of thought and expression essential to the American spirit, calls attention to the threat to liberty posed by the fears and tensions of these days, and urges upon the body spiritual and the body temporal that the right to speak the truth as one sees it be not destroyed or abridged. We are especially zealous that higher education in our State be protected from political interference and partisan pressures. The Synod, therefore, petitions our Legislature that, with due safeguards for American ideals and institutions, the administration of education be entrusted to the faculties and trustees of our institutions of learning themselves. We affirm our full confidence in the soundness and competence of the administrations and Boards of Church and State Colleges in North Carolina and ask for them the support and trust of the people of our churches and the lawmakers of our Commonwealth. The Synod feels that there is need for further study of the implications of Christian freedom in a time of controversy, fear, and tension and commends this concern to the Christian conscience of its members." This year, as I said, meeting in Richmond, Virginia, the Synod adopted the following Resolution on May 26. This Resolution, incidentally, was presented by Dr. Brown, who is on the seat in our rear:

"Whereas, the Legislature of the State of North Carolina in its 1963 Session enacted the so-called Speaker Ban Law; and Whereas, the said Law limits

the freedom of speech and academic freedom on the campuses of State-owned and operated colleges and universities; and Whereas, the said Law deprives students and faculty of the right to hear recognized authorities because of their political and economic views; and Whereas, the Law limits and restricts the freedom of duly constituted Trustees and Administrative officers of State-owned and operated colleges and universities in fulfilling their responsibilities; and Whereas, the Speaker Ban Law has placed in jeopardy the accreditation and standing of State-owned and operated colleges and universities; and Whereas, the Trustees and Administrators of State-owned and operated colleges and universities must be free from political interference and pressure; and Whereas, the Synod of North Carolina at its meeting in Montreat, North Carolina, May 25-26, 1964, adopted a resolution expressing its deep concern over the implications of the Speaker Ban Law; THEREFORE, BE IT RESOLVED:

1. That the Synod of North Carolina reaffirms the action taken at its Meeting in 1964;
2. That the Synod of North Carolina declares its opposition to the Speaker Ban Law and appeals to the State Legislature now in session to repeal the said Law;
3. That the Synod directs that copies of this resolution be sent to Governor Dan K. Moore, Lieutenant-Governor Robert Scott, Speaker of the House of Representatives Pat Taylor, and all Presbyterian members of the State Legislature;
4. That the Synod appoint a committee of three persons to represent it at any public hearings which may be held by the State House of Representatives and/or the State Senate in connection with its consideration of the Speaker Ban Law."

Dr. Hall, Mr. Chairman.

Dr. Hall: Chairman Britt, Mrs. Swindell, and Gentlemen, may I express in behalf of this Committee and the Presbyterian Synod of North Carolina our gratitude for your graciousness in allowing us time. We shall try, though the precedent of ministers is to the contrary, not today to fail to distinguish between "time" and "eternity" in this presentation. First of all, we should like to express our feeling of justification in the church's interests in this matter. This is a matter of public higher education and there is a feeling abroad that the churches are sometimes today intruding in areas that are not their proper concern. I cannot feel, however, that education is one of those areas. Higher education in America began with the church. Our own denomination has been concerned with higher education since the beginning of colonization in this Country, and at the present time some 14% of the students in the State institutions of higher education are members of our denomination and, consequently, we feel, constitute our concern. Now, the Synod, as a deliberative body, does not presume to speak for or to represent the viewpoint of all its constituents, but as a deliberative assembly of Christian church leaders, and citizens of this State, the Synod has officially deplored the Speaker Ban Law and asked for its repeal. We wish most emphatically to record our opposition to Marxist Communism and to pledge our denomination, and we are confident our fellow denominations, to resist it with all possible vigor. We do recognize it as a primary threat against our faith and our culture. The Christian Church has always opposed atheistic materialism under whatever guise it has masqueraded.

But we feel that the only Christian, American, and educationally effective way for free men to counter communism is by frank and honest confrontation. The way of concealment and repression of argument is the totalitarian way; this is the way of

Stalin and Hitler. If we genuinely believe in the American system, we do not need to fear open attacks by avowed communists. To seek to muzzle one's opponents is to admit lack of faith in one's cause, in this case, lack of faith in America. Now it is such craven lack of confidence in our tradition, our nation, our Democratic process, and our chosen leadership, and our God that is the really subversive possible position in this controversy. Jesus Christ reminded us long ago of the futility of attempting to cast out Beelzebub by Beelzebub. One does not destroy totalitarianism by adopting totalitarian methods.

The Speaker Ban Law encourages inquisitive and curious youth who naturally rebel against paternalism to investigate these things which are forbidden, and because they are forbidden they appeal to such youth as far more inviting. Emily Dickinson, I believe, phrased it in the words "forbidden fruit, a flavor hath which lawful orchards mocks."

Anyone with any educational experience knows that the surest way to destroy the faith of students in any truth is to refuse to face open discussion. The fear of honest debate only betrays the truth you seek to defend. A parallel principle is that of immunization. We are aware of the fact that the only way in which the body can be immunized against infectious disease is through the actual exposure to that disease under favorable and controlled conditions. We believe the same thing is true of diseases of the mind. Education is a perilous process, because the only way in which immunization against falsehood can be permanently made possible is by confrontation and exposure. We believe with all our hearts that the American system can stand such confrontation. We are not afraid because we have faith in America. It is desirable that every viewpoint be presented by its own advocates and adherents, and then be subjected to critical analysis and evaluation in open forum.

It is my privilege to serve as a trustee of Davidson College. You have heard a reading this afternoon of the official policy of the College in this regard. Not very long ago a great many people were shocked when it was announced that Davidson College had invited a well-known atheist to visit the College and to address the student body. However, it turned out as the administration knew it would, and as the trustees were unanimously confident it would, to be possibly the best defense of Christian faith ever made at Davidson. It proved to the students that Christian scholars were neither afraid for their faith nor ashamed of it, for in the open and uninhibited confrontation which resulted from that visit, both students and participating faculty experienced confirmation of faith and renewal of interest in religion seldom before experienced on that campus. Indeed, I have been associated with Davidson in one way or another for more than 35 years, close to 40 years, and that was the first period in all of my knowledge of Davidson College when you didn't have to make anybody go to chapel. They were interested, and we had practically a rebirth of Christian interest on the campus, confrontation!

There is no way to teach the truth without exposing the mind to falsehood, just as immunization to disease requires exposure to it under controlled conditions. We believe that the college campus offers a perfect environment for such exposure and confrontation under the most favorable possible conditions.

Any limitation on who may speak in a public institution constitutes a limitation on academic freedom and can imply a weakness in our own political and economic doctrine and policy. The Speaker Ban Law does not stop with muzzling political discussion by communists. It prohibits anybody who is either a communist, and parenthetically, (no criteria are set by which to determine this), or who has availed himself,

as many non-communists have done, of his constitutional privileges under the Bill of Rights, from appearing in a state-supported campus to speak on anything, whether controversial or not. In fact, certain scientists whose textbooks are used in our state schools and whose contributions to science are taught by our professors, are forbidden to say on the campus what students are required to read from their texts. How can one more effectively destroy respect for truth in young minds than that? Our free culture has always held that truth is truth wherever it is found and by whomever it is enunciated. It is subversive of our Western tradition to deny people the benefit of wisdom because we dislike the politics; or economics, or the theology of the individual who is in a position to impart it.

It seems that we must also be concerned over the implied attack on the Fifth Amendment to the Constitution itself. While it is deplorably true that this safeguard of liberty devised by our fathers has been abused, as every legal safeguard has been and will be misused, this statute and those who defend it give the unmistakable impression that the Fifth Amendment itself is an evil thing, and that to evoke it in political controversy is always ipso facto wrong.

The prime and most compelling reason for our opposition as a Synod to the Speaker Ban Law is that it does constitute political interference in the affairs and responsibilities of duly appointed trustees for our state institutions of higher learning.

The trustees and administrative officers of these institutions must be free from political interference and pressure so that they can promote the development of student minds and assault the frontiers of knowledge.

The principle of representative government is jeopardized, when, through due processes, people are chosen to perform certain tasks for the state, and then are not

allowed the freedom to perform those tasks without hindrance. If they do not give satisfaction, they may be replaced; but while they serve, they must be trusted and supported.

Educators must be free to exercise their experience and skill to educate, without political dictation. If the legislature does not have confidence in our current educators, the honest course is to seek their replacement and not to impose restrictions that undermine their efficiency, or to assume that inexperienced laymen know better how to perform their complicated and exacting task.

Communism is only "one among many" evils to be found on any college campus, some others which are equally as deadly, if not more so, are not proscribed. As an example, salacious literature, or many others that students and faculty and friends of these institutions know quite well.

Now, there are other forms of atheism besides communism; or, we may assume that there are atheists on our campuses who are not communists. They were there long before supporters of the Speaker Ban Law became concerned over communism, and I fear will be there long afterwards.

Communism is not new. It is as old as the origin of evil, and all evil, socially speaking, is essentially atheistic materialism. Communism is an old "ism" in a new cloak for disguise. It was inveighed against by the Old Testament prophets. The church has always opposed it, and as in the case of Naziism will be the last to stand against it even if all others fail to do so.

Albert Einstein wrote in regard to the crisis in Germany over Naziism: (I quote)

"Being a lover of freedom when the revolution came in Germany,

I looked to the universities to defend it, knowing that they had

always boasted of their devotion to the cause of truth; but no, the universities were silenced. Then I looked to the great editors of the newspapers whose flaming editorials in days gone by had proclaimed their love of freedom; but they, like the universities, were silenced in a few short weeks. Then I looked to the individual writers, who, as literary guides of Germany, had written much and often concerning the place of freedom in modern life; but they, too, were mute.

"Only the church stood squarely across the path of Hitler's campaign for suppressing truth. I never had any special interest in the church before, but now I feel a great affection and admiration because the church alone has had the courage and persistence to stand for intellectual truth and moral freedom."

Mr. Chairman, Mrs. Swindell, and Gentlemen, we do not for one moment assume that anything such as that tragedy which happened in Germany will happen in North Carolina, but we do believe that the Speaker Ban Law is basically un-American. The Constitution guarantees the right of expression of belief, regardless of the rightness or wrongness of the views expressed, its only limitation being, as you are aware, the expression of views that advocate the overthrow by violence of the American government.

The very essence of Democracy is the right of every man to believe what he wishes without proscription of his views. The Spanish Inquisition had its origin in just so simple a philosophy as that which led to the creation of the Speaker Ban Law.

It is always dangerous to proscribe. Nazism did this and the results are well known. For any governing body in America to pass a law like or similar to this Speaker Ban Law is to practice exactly what our enemies do practice.

In the name of Democracy, truth, and Americanism, we therefore urge that you recommend the repeal of this law or an amendment of it which will be in full alignment with all that we hold dear in Democracy and Christian faith. We do believe that Democracy can be protected without betraying it. Thank you, Mr. Chairman.

Chairman Britt: Thank you, Dr. Hall, and also to you, sir, and is there any question by any member of the Commission?

Colonel Joyner: Mr. Chairman.

Chairman Britt: Colonel Joyner.

Colonel Joyner: Dr. Hall has so frequently and invariably held me spellbound and almost hypnotized that I do not dare ask him a question. I do offer him as Exhibit No. 1, as to how overwhelmingly convincing can be a dedicated and impassionate orator. Frank, if you were a communist, I wouldn't let you get within a mile of my grandchildren.

Dr. Hall: I'm not, Colonel. Thank you, sir.

Chairman Britt: Thank you very much, gentlemen. Appreciate your coming. Now I'll ask to come to the platform, please, Mr. Paul Dickson, III, Bob Spearman, and any others with that particular group.

Representative Thornburg: Mr. Chairman while we're waiting, I'd like to read into the record and call the attention of the Commission that on Page 9 we have reference to, of a...a presentation by Mr. Dolley on behalf of VFW. We have reference to some remarks made by J. Edgar Hoover, and I notice that at the bottom of the page he concludes with, "For that reason, I do not believe that communist spokesmen should be allowed to speak on our campuses." Well, I have before me a written statement by him in which that remark is concluded as follows, rather than having a period, you have a comma, and then the following

language, "But this is a matter to be decided by college authorities and is not within the jurisdiction of this Bureau." I thought that might be interesting to our, to the group.

Chairman Britt: Thank you very much, Mr. Thornburg. Members of the Commission, we have before us at this time representatives of the student bodies of at least three of our campuses. We have Bob Spearman here, on the front row, and to our left, to our right, Bob appeared before our group yesterday, I believe, and you are immediate past president, as I understand it, of the Student Body at Chapel Hill, and then you have beside of you, will you identify the gentleman beside of you, sir.

Mr. Spearman: Yes, sir. This is Mr. Robert Andrews from North Carolina State University, and he has just served as Student Body President there of this Summer School.

Chairman Britt: Mr. Robert Andrews, as immediate past president at North Carolina State, where is your home?

Mr. Andrews: Brevard.

Chairman Britt: Brevard, North Carolina, and I believe we have sitting back of you, Bob, and to our left...

Mr. Spearman: Yes, sir, this is Mr. Paul Dickson from Raeford, North Carolina, and he is the present Student Body President at Chapel Hill.

Chairman Britt: All right, sir, will you identify the one on the right.

Mr. Spearman: Yes, sir, to the right is Mr. Gerald Partin, who is from one of the State's private institutions. He's Student Body President at Wake Forest.

Colonel Joyner: Was Mr. Paul Dickson's grandfather at the University about 1911?

Mr. Dickson: Yes, sir, he was.

Colonel Joyner: I was there with him. He was in my class. I'm glad to see you.

Chairman Britt: Bob, I wanted to ask your group this. You have, your group was kind enough even to ask, even to come down to Fairmont. Brother Dickson there came down to Fairmont to see me about appearing before, on this group, and I told him that we would certainly be glad to hear you. You have gone to great lengths, all of you, in preparing a very fine brief here for submission to us at this time, and I am just wondering if you would be willing to make just - without reading any of your material - if you would be willing to make just about a one-minute statement, if you have anything to add to what you did yesterday as to why you support the Speaker Ban Law, or why you are opposed to the Speaker Ban Law, and then let your colleagues do likewise, and then leave it up to us to read this material which you have so wonderfully prepared for us in these briefs. I am wondering if you'd like to let's try that?

Mr. Spearman: Yes, sir, we'd be happy to do that. I think for what, for my one-minute summary perhaps the most useful thing I could do is to describe to you an event which took place on the Chapel Hill campus several years ago. I'd like to look at just one case study of what happened when a communist speaker came to Chapel Hill. It took place in the winter of 1962 when a student committee there invited Mr. Grenogi Sorobriokov to speak on Russian foreign policy. Mr. Sorobriokov was a representative from the Russian Embassy in Washington. As is customary at Chapel Hill, and at all the campuses of the University, the speaker was, of course, subjected to questions immediately after he presented his presentation, and the students immediately saw through his very weak rationalizations. One student called upon him and asked the Russian to try to justify the

suppression of the Hungarian revolt. And to this the Russian just had no answer whatsoever. Then another student inquired and I'd like to quote this, Mr. Britt. The student said: "If you feel that communism is really superior to capitalism, why have so many refugees fled to the West from behind the Iron Curtain?" Well, the Russian thought about it for a minute and then he said, "Well, I think that men from time eternal have always moved from East to West." I think that this occasion and other occasions similar to this that have taken place at Chapel Hill and at the other State, at other campuses of our State-supported institutions make it clear that communists are, or that students are competent and able to deal with any propaganda which communists may put forth. I certainly do not think it could be said that communists are received with acclaim on our campuses. I do think it would be accurate to say that students are extremely interested to hear what the communists have to say and by hearing what they have to say, I think they have better understanding of communism, and I think the real results of these confrontations is to strengthen the students' faith in democracy and to give him a much better understanding of the differences between our free way of life and that of communist tyranny. Now, I'd like to defer to Mr. Andrews, if I could, sir.

Chairman Britt: Mr. Andrews, be glad to hear from you.

Mr. Andrews: Mr. Chairman, in preparing this statement, we were asked not only to prepare this for ourselves, but also to represent the Consolidated Student Council of the University of North Carolina. As I'm sure you know, this is composed of representatives from the University student bodies of Raleigh, Chapel Hill, Greensboro, and Charlotte. In addition, a number of other public and private colleges have

asked that we speak for their student governments in our appearance here this afternoon. In preparing our formal statement, we have drawn from many student sources. We have examined resolutions independently, considered and approved by each of the student government legislatures for the four branches of the University. We have considered a resolution passed by the Consolidated University Student Council itself and have been advised by its president. We have talked to study body presidents in other State-supported colleges, such as Elizabeth City State College, Pembroke State College, North Carolina College, Wilmington College, Appalachian State Teachers College, Western Carolina College. All of these presented resolutions passed by their student councils or personally asked us to represent them to speak on this Law. We have been advised by the Student Government Association of one of North Carolina's finest private institutions, Wake Forest College, to speak on their behalf also at the hearing today. A resolution passed by the Duke University Student Government was also considered. In short, the statement which you have been given was designed and compiled by representative process to present the student viewpoint of North Carolina college and university students throughout North Carolina.

Chairman Britt: Thank you very much, Mr. Andrews. Mr. Paul Dickson, my neighbor from Raeford, do you have anything to add very briefly to what these other two have said?

Mr. Dickson: I'd like to if I could.

Chairman Britt: Yes, sir, and I don't want my Wake Forest man left on the back row there now, because . . .

Mr. Spearman: No, he's coming up front.

Chairman Britt: Because he's representing my interest up here today.

Mr. Dickson: Mr. Chairman, I'd like to speak briefly to two points, two points that I speak to in my presentation. Those two points that I wanted to speak to were, No. 1, about our role of fighting communism, and No. 2, about how the students at Chapel Hill actually do feel about this Speaker Ban Law. In the first instance, I pointed out in my formal statement that we there, we are fighting communism on two areas, one on the battlefield, such as in Viet Nam, and the other is the battlefield for men's minds. In other words, we are fighting for men's minds and hearts throughout the entire world. It's the democratic philosophy versus the totalitarianism philosophy. Now, I feel that one in point that I bring out in here is that on the battlefields in Viet Nam we've had to change our military tactics, we've had to pick up the tactics of the communist guerilla type war, and we got these tactics from none other than the communists themselves, Mao Tse-Tung, the leader of Red China, and others. We got them first-hand from fighting them on the battlefields. It's my opinion that if we're to defeat the communists in the ideological wars, we must, there, too, get first-hand information. I think this first-hand information is necessary if we are in fact going to be able to carry out an effective war in defeating communism, which, in my opinion and in the opinion of most students, I think, is perhaps the most dangerous threat to world peace and democracy today. And the second point, Mr. Chairman, I'd like to read part of my statement, if I may.

Chairman Britt: Go right ahead, sir.

Mr. Dickson: The charge has been made, Mr. Chairman, that at Chapel Hill students are very inclined to accept radical political views. I was born in Greensboro and lived

most of my life in Hoke County. For the last three years I've lived and studied at the University at Chapel Hill. It is my feeling that the political views and affiliations of students at Chapel Hill are strikingly similar to those of other citizens of the State. For example, shortly before the November election last year, the Student Government at Carolina conducted a mock presidential election. About 57% of the students supported President Johnson and 43% favored Barry Goldwater. These were almost the exact percentages into which the State divided its ballots in the regular election several days later. Mr. Chairman, there is no question in my mind as to how the North Carolina students feel about the Speaker Ban Law. I think this has been made clear by the petitions and resolutions and statements which Mr. Andrews presented. Last spring when I was campaigning for the Student Body Presidency at Chapel Hill, I talked to several thousand students all over the campus. All students were extremely concerned about the Speaker Ban Law and its effect on their education. In these many talks I found only one student who favored the Speaker Ban Law. I'm sure that there is more than one student who favors the Law, but I have never seen an issue upon which the students have been so closely united, and that is basically what I'd like to say, Mr. Chairman, and the rest of it is in my formal statement.

Chairman Britt: Thank you very much.

Mr. Dickson: I appreciate your giving us this opportunity to make this presentation.

Chairman Britt: Thanks a lot, Paul. That's very fine. All right, sir.

Mr. Partin: I'm Gerald Partin. I'm President of the Student Body of Wake Forest College. On Page 3 or 4, my memory isn't quite certain of this, you, when you read

your accounts of the presentation that has been given you, you will come across a quotation from Judge Allen Gwyn, who attended a communist program at Wake Forest in 1962. In other words, a communist speaker, in fact, there were two of them spoke on the campus at that time. Now, I wish to relate to you a similar incident that has taken place since the enactment of the Speaker Ban Law in 1963, and this incident took place in the spring of 1964, in a very similar type program as you have described there, and the speaker on this occasion was Mr. George Myers. He was former president, former head of the communist party of Maryland, and at the time he spoke at Wake Forest was a member of the central executive committee of the communist party of the United States. His topic on that occasion was advocating a communist policy for the United States; and on the day that he appeared on the campus, he spent the entire day at Wake Forest. That afternoon he addressed small groups of history, economics, and political science students, and that evening he delivered in Wake Chapel a major address to a very large and varied type audience. After his presentation, as is custom at Wake Forest, and I have since learned the custom at the University of North Carolina also, he was subject to questions from the floor. Now, these questions very quickly put Mr. Myers on the defensive, and before the evening was through, several times he was driven to the brink of almost uncontrolled anger. His inability to give adequate answers to questions posed to him and his embarrassment at many other questions was very obvious to everyone who was in the hall that night. And I would like to point out specifically to the Members of the Commission at this time that this is a very high-ranking communist official on the national scene, a man who we heard testimony this afternoon by the Veterans of Foreign Wars is to be a very dangerous speaker on our college campuses. It was the general opinion of virtually everyone on the day following

his presentation that the man had pretty nearly made a fool of himself. And so I would also like to refer to another quotation from Mr. Gus Hall that we have heard mentioned here this afternoon. We have been told that Mr. Hall feels that his speaking program is so effective that for each one speaker of a communist nature that he sends out to a campus, for each one speech he gets one convert. Well, now, when you read your presentation there, you will find that that describes one speech in 1962. I have just informed you of another speech which took place in 1964. Now, I am going to have to conclude that Mr. Hall is quite wrong about the effectiveness of his speaking program because, speaking as the Student Body President of Wake Forest, if he was correct there would be two good communists on our campus. I know of no communist in the student body, in the faculty, or in the staff at Wake Forest whatsoever. These speeches have generated no concern. They have generated no good feeling toward communism. They have won no converts on the campus of Wake Forest; and so I feel that, likewise at the University of North Carolina, communist speakers will not be received with any more good will, will not be received with, in any better way than they were at Wake Forest. Judge Gwyn, when you read the presentation, says that on the occasion he visited Wake Forest, the student body routed the Russians and I daresay that the students at the University of North Carolina and the other State-supported schools of this State have an equal inclination and certainly an equal ability to route the Russians if only given the chance to do so in this open forum type of situation where we can have a free exchange of ideas. Thank you.

Chairman Britt: What you are saying is that Gus Hall drew a blank over there, did he?

Mr. Partin: He certainly did, sir.

Chairman Britt: Any Member of the Commission desire to ask either one of these gentlemen any question?

Mrs. Swindell: No, just thank you for coming.

Chairman Britt: If not, gentlemen, we apologize again for not letting you make a full presentation. We appreciate, however, your providing it to us in writing. We're grateful to you for coming and making the very brief presentations which you did. Thank you very much.

Mr. Partin: Thank you, sir.

Chairman Britt: Ladies and gentlemen, I say this for the benefit of those present, for those who may watch this program on television, any of our news people who are still with us, I've been asked several times today as to what will be the future procedure of the Commission in its work. I would just say this. We started off by saying we didn't know where we were going or how we were going to get there, and we are still working at it. The next procedure is going to be for our reporter here to try to transcribe the record and to provide it to us. As of this moment, we don't have the record transcribed from the August hearings, but we hope to have that in the very near future. As soon as those records are delivered to the members, we propose to study them, to very thoroughly acquaint ourselves with the presentations that have been made. After that, the Commission hopes to meet and decide if it needs to have any further hearings. Frankly, I don't think we need to have any further hearings at this time, but the Commission will make that decision. We will decide then how we shall proceed from there. It's going to take time.

I've been asked multiple times as to how long do I think it will take this Commission to render a report. I don't know, and no Member of this Commission knows, but we will certainly get around to it as soon as possible. We appreciate the cooperation of all of you in coming and all who have assisted us in this presentation. Just one minute before we adjourn.

For the benefit of those who may watch a re-run of this program on Channel 4, I understand that last night at about quarter past twelve, that they had to terminate the showing and without completing yesterday's hearings. I am just informed by Mr. Watts Hill that that will be resumed tomorrow night, beginning at seven o'clock, that is Friday night. That part of yesterday's hearings that were not shown last night will be shown tomorrow night beginning at seven o'clock. I also assume that Channel 4 will show this program tonight beginning at seven.

Thanks a lot, everybody, we are adjourned.

* * * * *

WHEREUPON, the hearings were adjourned on Thursday, September 9, 1965, at approximately 5:30 p. m.

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building

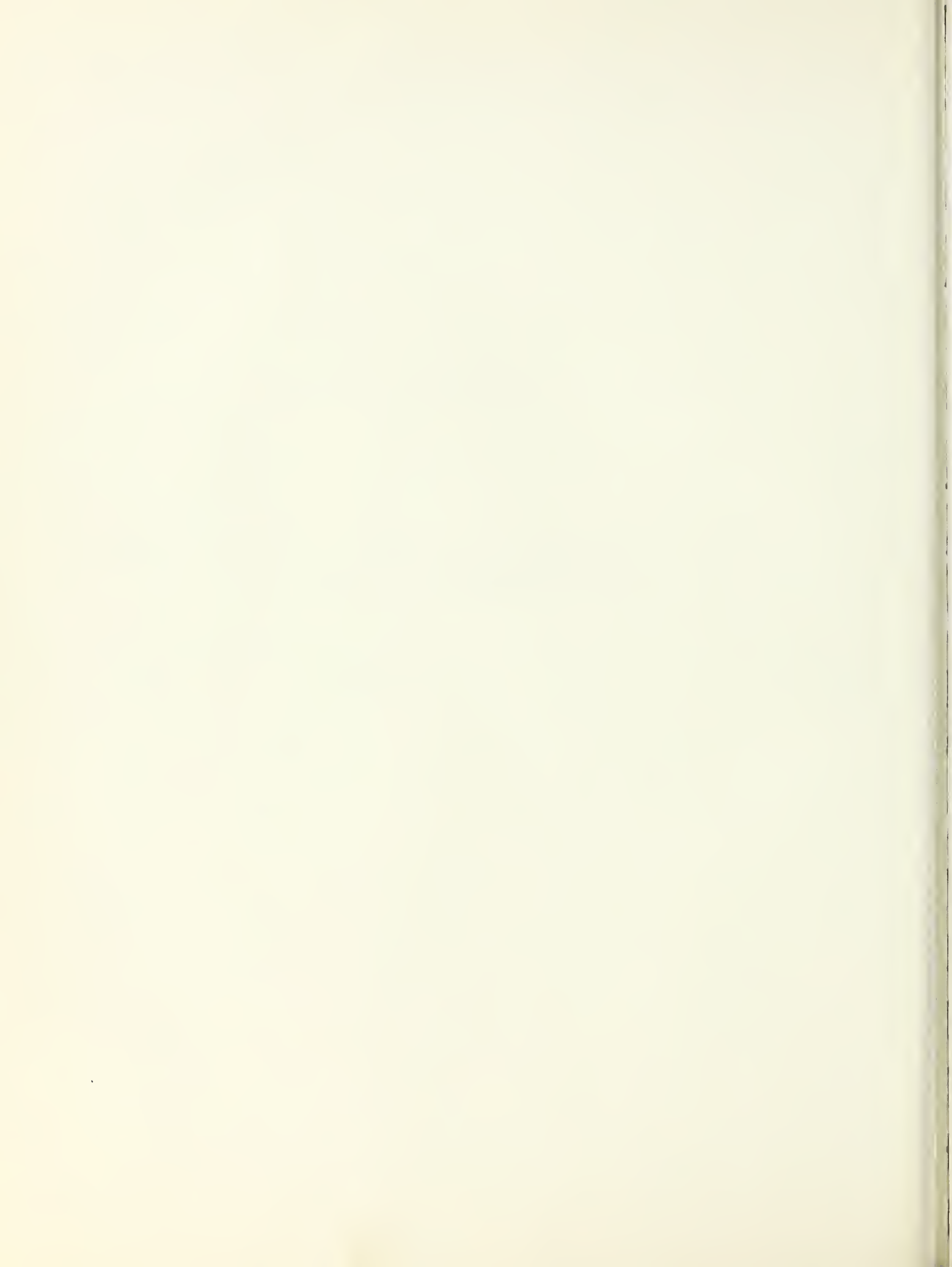
Raleigh, North Carolina

Wednesday, September 8, 1965

Administrative Officers and Trustees of The University of North Carolina
and North Carolina State-Supported Colleges

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina
Wednesday, September 8, 1965, 10 a.m.



HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina
Wednesday, September 8, 1965, 10 a.m.

C 378.1
11875
v. 2

The Hearings of the Speaker Ban Study Commission were resumed on Wednesday, September 8, 1965, at 10:00 a. m., Chairman David M. Britt, of the Speaker Ban Law Study Commission, presiding. The following Commission members were present: Rev. Ben C. Fisher; Senator Gordon Hanes; Colonel W. T. Joyner; Senator Russell Kirby; Mr. Charles F. Myers; Mrs. Elizabeth Swindell; Representative Lacy H. Thornburg; and Representative A. A. Zollicoffer, Jr.

Chairman Britt: Ladies and Gentlemen, this meeting will please come to order. At our last hearing, some three weeks ago, I believe it was, we took the time at the beginning of the meeting to read the Law that this Commission has been appointed to study. We took a little time in giving the background of it. In view of the fact that our agenda today is very crowded, I shall not take the time to do that again, but I would at the very outset like to say that we are glad to have the folks who are present come and visit with us today and attend these hearings. I would also say that as far as rules are concerned, we don't have many rules up here, but there are one or two I'd like to ask you to observe. One of those is that no smoking is allowed in the Auditorium. Secondly, I would certainly hope that there will be no applauding of any speaker; and by the same token, no booing any speaker. If we allow one we are liable to have to tolerate the other. I would hope we can proceed in a very orderly manner and not have either of those reactions. I would at the beginning like to introduce the Members of the Commission for the benefit of the people here and for the benefit of those who may be watching on television. At my extreme right, we have Senator Gordon Hanes, of Forsyth County; next to him Mrs. Elizabeth Swindell of Wilson, North Carolina; next to her, Senator Russell Kirby of Wilson, North Carolina; next to him, Representative Augustus Zollicoffer of Vance County; and then to my left, Colonel William T. Joyner of the Raleigh

802542

Bar; next to him, Representative Lacy Thornburg of Jackson County; next to him, Rev. Ben C. Fisher of Wake County; and last, but not least, Mr. Charles Myers of Guilford County. At the end of the table, our Committee clerk, Mrs. P.E. Howell of Raleigh; and then our reporter for this occasion, Mrs. Wilkes of Raleigh.

I think the agenda for today's hearings is pretty well familiar to all of you present and all others who may be interested. We have asked to come up here today the Presidents and Chancellors of our various State-supported institutions of higher learning. We have asked them to come and make such statements as they might desire in response to this question: "Has your institution been hurt or damaged by the Speaker Ban Law, or does the Speaker Ban Law pose to do damage or injury to your institution?" "If so, how, or why?"

At this time, I want to recognize the Chairman of the Board of Higher Education of North Carolina, who will make a preliminary statement, after which we will proceed to recognize representatives of the University of North Carolina. I now present the Honorable Watts Hill, Jr., of Durham, North Carolina. Mr. Hill.

Mr. Watts Hill, Jr.: Thank you, Mr. Britt. In the interest of time, I will stick to the prepared text, of which copies are available to each of the Commission members. I believe Mrs. Wilkes has a copy and assume it has been distributed.

The Board of Higher Education is charged by law with the responsibility of working for "the development of a sound, vigorous, progressive, and coordinated system of higher education in the State of North Carolina." In its role as the State-coordinating agency for the tax-supported institutions of higher education, it has the responsibility to speak for all of those institutions when the occasion demands. Hence, it is appropriate for the Board, in its own right, to appear before you today.

The appearance of the Board of Higher Education also is a clear statement of the Board's willingness to stand and be counted on significant matters affecting all higher education in North Carolina.

Further, our appearance here today is at the request of the Speaker Ban Study Commission and the presidents of our State-supported institutions of higher education. This is the result of an offer of assistance by the Board of Higher Education made to both the Study Commission and to the State-supported colleges and the University. Our offer was based upon a desire to provide assistance to both groups by presenting objective testimony on matters common to all institutions, thereby:

- (a) Conserving time for the administrative head of each institution to speak to specific matters as they relate to his institution, and
- (b) Increasing the time available to the Commission to pose such questions as it may desire.

So that there may be no doubt as to the viewpoint of your State Board of Higher Education, we would like to record with you officially our views relative to the Speaker Ban controversy.

At its meeting on August 13, 1965, the Board adopted the following resolution:

RESOLVED that the North Carolina Board of Higher Education affirms the principle of resistance to subversive Communist influences on the campuses of State-supported institutions, but believes and has full confidence that this resistance can best be achieved by returning to the trustees the authority and responsibility for managing and directing the internal affairs of their respective institutions.

The presidents and chancellors have indicated that they concur in and support this resolution of the Board of Higher Education.

But this is past history and, important as it may be, today you are confronted with three difficult, if not impossible, tasks. The first is to determine facts. The second is to weigh matters of principle or philosophy. And the third, and most important, is to recommend courses of action which are politically realistic and yet which do not ignore the facts or compromise basic principles. This is indeed a formidable assignment. You deserve the understanding and support of every citizen as you seek to meet this challenge. We trust that we may be of some assistance.

The Board of Higher Education believes that it can be of most assistance to you at this point in your inquiries by confining its comments to questions involving accreditation.

The basic problem which everyone faces in discussing accreditation is that we are dealing with a subject which remains to be determined in the future. For example, the question of whether accreditation will, in fact, be taken away depends on future action by the Southern Association, by your Committee, and perhaps by the General Assembly.

The truth that we must not lose sight of is that the future course of action to be taken by the Southern Association will depend entirely upon the recommendations you make and whether they are adopted. We cannot afford to let the mistaken impression persist - as it now appears to in certain quarters - that the Southern Association lacks the courage to act.

We will then limit our remarks to the most probable answers to the following three questions:

- (1) Will the Southern Association withdraw accreditation?
- (2) If State-supported institutions of higher education are placed on probation, or lose their accreditation, what will be the impact on higher education, and

(3) What impact, if any, has the controversy had to date on our institutions - and on our students?

There are other key questions. But they have been or will be covered by others. But the three questions which follow are common to all institutions.

First: Will the Southern Association withdraw accreditation? It is clear that no one can speak for the Association but its own members. And clearly they have not made a final determination as yet. And indeed, it is fortunate that they have not for virtually no one wants to see accreditation lost.

Testimony of the Southern Association, for what we consider to be understandable reasons, does not contain a simple "yes" or "no" answer. As would be true for each of you on this Commission, members of the Association will not prejudge the outcome of their deliberations prior to the completion of their inquiry.

What insight do we gain from precedent? Again the answer is very little for the Speaker Ban Law is unique. Nothing like it has required action by the Southern Association in its long history. And even the Illinois situation is little help as it involves another regional accrediting body.

Where then can we turn for insight? Here we suggest that questions asked of those appearing later should prove very helpful. Among those who can be of particular assistance are Dr. Frank Dickey, former Executive Director of the Southern Association and now Director of the National Commission on Accrediting; President William Plemmons of Appalachian who was a member of the Commission on Colleges and the Delegate Assembly of the Southern Association when the Mississippi case was considered and Dr. James Ferguson, Acting Chancellor at UNC, Greensboro, who came to North Carolina from Mississippi only a short time ago.

But perhaps the most cogent testimony is that which we can provide by asking ourselves a few questions. Has the Southern Association, now that the controversy has become a matter of national concern, any alternative but to place our institutions on probation or to withdraw accreditation? If the Speaker Ban remains in effect, can the Southern Association retain any future effectiveness if it fails to act? Would not its failure to act be interpreted as a lack of courage to act?

In answer to these three questions, we can only say that we have talked with a great many people who are close to members of the councils and committees of the Association, and we have yet to find one who is not convinced that the Association will act if the rightful authority and responsibility are not returned to the various Boards of Trustees.

In summary, we can only conclude that there is every indication that the Southern Association will act and no indication that it will not.

The second question is: What will be the impact of the loss of accreditation? While there are precedents, there is no parallel instance of the withdrawal of accreditation. However, based on past experience, it is clear that the first impact will be an inability to attract competent new faculty. There are 62 institutions of higher education in North Carolina and of these, all but three are accredited or are so new as to be ineligible for accreditation at this time. There are approximately 1500 accredited institutions in the United States. Faculty is in extremely short supply. Surely few will come to the 15 State-supported senior institutions in North Carolina if they lose their accreditation when there are literally hundreds of equally attractive opportunities at accredited institutions elsewhere. This is because the man who teaches at an unaccredited college places his

professional future in jeopardy.

The next impact will be on present faculty members. How many will leave is impossible to estimate. But it is known that the group most affected will be the educational leaders of our future. They are the ones most sought after for it is this group which establishes an institution's reputation and which, by leaving, will contribute to its decline.

The nature of the vicious circle which will come into being must be understood. As the best faculty leave, their places will be increasingly difficult to fill. Their replacements, for reasons already given, will be drawn from those less qualified. This, in turn, causes a deterioration of the general level of instruction at the institution. And as the quality of the institution diminishes, many of those who otherwise would have stayed will be forced to leave to protect their professional standing.

And so the vicious circle continues and grows.

In reality, it is the third group, the students, who will suffer most. Faculty who leave will be hurt least for they will simply move on to other good jobs. But the students will continue to come in increasing numbers. This fall there will be roughly 57,000 students in our State-supported institutions of higher education. As the quality of the instruction they receive decreases, they will have to settle for a poorer education than should be available to them.

When considering whether to risk action by the Southern Association, the choice is not between retaining or losing accreditation. The real choice is whether we want to see continued improvement in the quality of education we offer North Carolinians or whether we are willing to settle for a gradual deterioration.

What has been said so far applies to all our State-supported institutions of higher education. But it does not apply to all equally.

The University of North Carolina - primarily at Chapel Hill and at Raleigh - would first suffer from the loss of many research scholars and scientists. And replacements for men of this caliber just would not give the State a "second look" for not only are the research scholars and scientists the most mobile group but, due to the nature of their work, they place the highest value on freedom of inquiry.

While this impact is less likely to be felt by our senior colleges, the loss of accreditation per se would greatly damage these less well-known institutions. Their efforts to develop stature and earn reputations of excellence would be thwarted.

With our senior colleges, it would be their graduates who seek graduate degrees who would suffer most. While both Dr. Fields of the Southern Association and Dr. Jordan in their testimony agreed that those seeking to study medicine, law, or any of the other disciplines requiring advanced degrees would be judged as individuals, they also would have to admit that preference is given to graduates of the well-established institutions.

Surely, the special reason for the loss of accreditation would be recognized in considering applications for graduate work. There might even be some delay in the time when the full impact of loss of accreditation would be felt. But, in time, the end result would be the same - deterioration of the educational offering.

These general points can be attested to by those who follow. Dr. Highsmith, President of Asheville-Biltmore, and President Ridley of Elizabeth City, as well as others, can speak both to the problems of recruiting qualified college teachers and the impact of loss of accreditation on students.

The third and final question is: What has been the impact of the Speaker Ban to date?

The impact has been substantial - and very hard to prove. How can one really find out why a prospective faculty member did not come? And how many were affected who never mentioned the ban or any other specific reason but just said politely, "No, I am not interested." No one can tell. And yet we know that the Speaker Ban controversy has made a teaching position in North Carolina conspicuously less attractive.

And we do know that the North Carolina controversy has spread nationwide. Time, Newsweek, The Herald Tribune, The Christian Science Monitor, CBS News, and others have carried lengthy stories. But more important, for the impact is great on faculty recruitment, the story has been carried to educational circles by educators.

Dr. Dickey can tell you of lengthy discussions at the highest national level. Even the inquiries made of Federal Agencies at the request of this Commission have helped carry the word to key places. Seeds of doubt about the educational climate in North Carolina have been sown where none existed before.

Every institutional head can attest to this. Perhaps you will want to question them on this point.

The blunt truth, which inquiry anywhere in the nation will confirm, is that North Carolina is receiving very bad press. And it is at its worst where it hurts most, in the academic market place from which new faculty must be recruited.

There is virtual unanimity among those closest to the scene that, even if the controversy were to be resolved in the immediate future, considerable

damage has already been done. There is equal agreement that there is no known yardstick by which we can measure the damage to date.

Now, the impact will not be noticed overnight. There has been no flight of faculty. Institutions, as with the quality of their instruction, do not fall apart overnight. But as with a cancer, the symptoms often do not permit diagnosis until the disease is in its final stages.

At this point, we must share with you a common point emphasized by those closest to the situation. It is that the damage done to date is not due to a possible loss of accreditation but rather stems directly from the Speaker Ban Law. There is common agreement that, even if the Southern Association had never raised the question of accreditation, the quality of education in North Carolina would have been affected negatively by the Ban Law.

It is pointed out that the process began in 1963 when the law was passed. Then a two-year period of relatively quiet watchfulness began. Most persons believed that the problem would be resolved by 1965 and that a large outcry would only compound the problem. We are told everywhere that the entry of the Southern Association into the picture merely pointed up the existing need for a rapid resolution of the question. That resolution -- be it by amendment, repeal or support of the Ban Law -- would clarify the future for each faculty member who would then make his own decision.

Regardless of one's feelings about the Southern Association, or one's feelings about the Speaker Ban Law, we must all admit that were it not for the Ban Law, the question of loss of accreditation would not be before us today.

In summary, it is the belief of your Board of Higher Education, which we are sure subsequent specific testimony will support, that the following

conclusions are common to all State-supported institutions of higher education.

- (1) There is every indication that the Southern Association will act and none that it will not.
- (2) Placement on probation or loss of accreditation would generate a vicious circle which would lessen the quality of educational opportunity available to tens of thousands of North Carolinians.
- (3) The vicious circle is already in operation due not to action taken by the Southern Association but rather due to the existence of the Speaker Ban Law.

We further conclude that the overriding question is "What course will provide the best quality of educational opportunity for citizens of this State?" Surely, everyone will agree that the most constructive answer possible to that question should and must be found.

But, in resolving that question, we must face up to the fact that it is the existence of the Speaker Ban Law, not the Southern Association, which holds the key to the future of State-supported higher education. Thank you.

Chairman Britt: Thank you very much, Mr. Hill. Does any Member of the Commission have any questions they desire to ask of Mr. Hill? Anyone to my right? Anyone to my left? If not, we thank you very much, Mr. Hill.

Next, we are going to hear from representatives of the University of North Carolina; not only the President of the University, and Chancellors of the various campuses, but also from Members of the Board of Trustees. I am going to suggest to my fellow Members of the Commission that we make a note of such questions that we desire to ask of any of those appearing on the University's presentation, that we make a list of our questions and withhold them until their formal presentation has finished. I think it will enable them to proceed in a more

orderly manner, more coherent manner, and then we will give opportunity at the conclusion of that for questions to be asked. At this time, I want to recognize a representative of the Board of Trustees of the University, a man who is well known in Legislative circles, having served for many terms in the House of Representatives, served as speaker of the House of Representatives in 1951, I believe it was, and is an outstanding attorney of eastern North Carolina, the Honorable W. Frank Taylor of Goldsboro. Mr. Taylor, will you please come forward and we recognize you at this time.

Mr. Frank W. Taylor: Mr. Chairman and Members of the Commission, we appreciate very much the opportunity to appear before you today in behalf of the University. We have with us the President of the Consolidated University, and all Chancellors, and several members of the faculty. We also have present several members of the Board of Trustees, among whom are Mr. Watts Hill, Mr. Wade Barber, Mrs. Lathrop, Mr. Harris, from Raleigh here, and several others whom I will not attempt to name at this time. And, first, we desire to present to you the President of the Consolidated University, President Friday, who will make a statement and will introduce other speakers from the Chancellors.

Chairman Britt: Thank you, Mr. Taylor. I now recognize Mr. William Friday of the Consolidated University of North Carolina.

Dr. William C. Friday: Thank you, Mr. Taylor.

Mr. Chairman, Mrs. Swindell, Gentlemen of the Commission:

It was with a sense of confidence that my University associates and I witnessed the action of the Governor and the General Assembly to create "a Commission to Study the Statutes Relating to Visiting Speakers at State-Supported Institutions." We are pleased that this legislation is to be

given a thorough and impartial study, and we welcome the opportunity to present our views to the Commission. This we will do in a spirit of complete cooperation and with assurance of our understanding of the complexities of the matter that is before you.

In his letter of invitation dated August 13, Chairman Britt, as he has indicated this morning, asked us to answer two specific questions:

- (1) "Has the Speaker Ban Law injured your institution, or will it probably injure your institution," and
- (2) "If so, why?"

We believe the Law has injured State-supported higher education in North Carolina and will continue to do so if left in its present form. The University recognizes the responsibility of making clear to the people of the State why we believe this to be true, and we will do so this morning.

In answering these questions, I do not plan to discuss the accreditation of the University or its relationships to educational organizations such as the American Association of University Professors. These are matters of great importance to us but they have been presented by others and we shall use our time to discuss what we believe the real issue to be, and it is this: Will the University and the State-supported colleges be allowed to pursue higher education with the freedom they have traditionally enjoyed? We respectfully request the repeal or amendment of the Law to accomplish this objective. And speaking for myself, I believe the law should be repealed.

I think it is important to emphasize here that universities are useful and effective only if they are free from unnecessary political control. They manage their academic affairs subject to general policies that are formulated by faculties and the administration; and are reviewed, discussed and approved

by a board of trustees. To meet their responsibilities as scholars and teachers, they must live and work in an atmosphere of intellectual freedom that permits them to chart the scope and direction of their professional activities. As soon as there are limitations as to the kind of instruction given or to the expression of faculty views on controversial matters or the imposition of regulations that restrict the range of inquiry within the institution, the university loses the very qualities that make it useful and important to the society that gives it support.

I have made these statements because, Mr. Chairman, I want to be clear on their relationship to another point about which I wish to be equally clear: The University is opposed to the international Communist conspiracy and it is our conviction that the most effective way we can combat Communism and all other forms of government that suppress freedom and liberty is by being a strong and a free institution. It is only by upholding this ideal that we can offer an ultimately effective answer to totalitarianism and tyranny.

There is no question that all witnesses who appear before this Commission are opposed to Communism and all other forms of subversive activity. Our disagreement then, is based on the method by which this opposition is to be expressed. Political systems based on the suppression of liberty and free expression cannot tolerate free and open debate. It is equally clear that the sound democratic principle of freedom of speech and inquiry, when exercised responsibly and under the law, strengthens our democracy.

- - - - -

Now, Mr. Chairman, there are several statements which I should like to make on behalf of the Chancellors and myself to provide you and the Commission members with essential background data and information that will

make clear the University's position on this matter. Now, in doing so, let it be clear that we do not question the sincerity or purpose of any legislator or speaker who has appeared before you.

The University of North Carolina exists primarily to serve the interests of the people of North Carolina, their institutions of government, their agencies of cultural and economic advancement and their moral elevation. But it has an important place in the educational program of this country and is making a substantial contribution toward enlarging man's understanding of the world in which he lives. The University is an agency of the State. It was created by the State, and receives funds from the State, and operates under a legal charter and through a Board of Trustees elected by the General Assembly.

The University does not question the authority of the General Assembly to legislate as it deems necessary in the interest of the State. The University fully respects the role and the function of the General Assembly.

- - - - -

May I speak now then to policies that relate to the specific issue before us. The University, with other free institutions the world over, has an honored tradition of freedom of thought and expression that has endured for centuries. We are answerable to this essential standard of intellectual freedom. The University is opposed to any political system, including Communism, that does not permit impartial scholarly study and the freedom of the mind to seek the truth wherever it is to be found.

Those of us who are entrusted with the administration of the University will not knowingly employ as a teacher or research investigator any person, who, because of membership in the Communist Party or who because of any other commitment of mind is not free to serve the University standard of unbiased

search for truth. This has been, and is now the policy of this University and its Board of Trustees.

In safeguarding intellectual freedoms from destructive influences, either from within or without, the University is vigilant. We spare no means of prudence to insure that it will not be undermined. There is not to my knowledge any member of the Communist Party on the faculty or staff of any campus of the University of North Carolina. If there be anyone here or elsewhere possessing contrary facts, I invite him to make them known publicly.

Now, two other things need to be said here: (1) Since 1941, it has been unlawful in North Carolina for any public building in the State or any building owned by any institution receiving funds from the State to be used by any person for the purpose of advocating, advising, or teaching a doctrine that the Government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence, or any other unlawful means. I trust, Mr. Chairman, it is unnecessary for me to repeat that the University has faithfully respected this Law and all other statutes dealing with this area of activity.

Second, the University, as its president is sworn to do by his oath of office, abides by all the laws of the State. Every member of the faculty and every person who is regularly employed by the University and who is a citizen of the United States is required, as a condition of appointment to swear or affirm that he will support the Constitution of the United States and further swear or affirm that he will bear true allegiance to the State and support, maintain and defend its Constitution.

Now, Mr. Chairman, I have made these statements before in civic club talks in Raleigh in November of last year and in Greensboro of this

year; and I have repeated these statements here to make clear to the Commission that the University does oppose totalitarianism in every form; and that it will not knowingly employ Communist Party members as faculty or staff members; and that to our knowledge no such person is presently employed; and to my knowledge to this hour no one has accepted my invitation publicly to offer evidence to contradict that statement. Furthermore, the University exercises reasonable and responsible vigilance in all matters of national security and cooperates fully with all security requirements and laws and agencies of the State and the national government. The members of the faculty of the University are honorable people who have reaffirmed and affirmed their allegiance to the Constitution of the United States and the State of North Carolina. These policies have been fully reviewed with the appropriate committees of the Board of Trustees of the University.

In confronting the problem of visiting speakers, what are some of the considerations or factors we face?

First, the laws of the State relating to the appearances of speakers and the use of facilities on the campus for speaking purposes are obeyed. We have complied in all aspects with the requirements of the 1941 Law to which I have referred earlier and, of course, to the 1963 statute.

Second, only officially recognized student organizations may use campus facilities to present speakers invited by them to the campus.

Third, in consultation with the University and with the Special Committee of the Board of Trustees aimed at securing remedy of the legislative restriction on speakers, agreement has been reached on proposed internal regulations to be recommended for adoption by the Board of Trustees following removal by the General Assembly of the restriction. Now, the language of the proposed regulations is as follows:

"As a further precaution and to assure free and open discussion as essential to the safeguarding of free institutions, each Chancellor, when he considers it appropriate, will require any or all of the following:

"(a) That a meeting be chaired by an officer of the University or a ranking member of the faculty;

"(b) That speakers at the meeting be subject to questions from the audience; and

"(c) That the opportunity be provided at the meeting or later to present speakers of different points of view."

Now, fourth, the appearance of speakers on a university campus does not imply approval or disapproval of them or their statements. A university cannot be assumed to sponsor or endorse the various opinions and points of view that are expressed within its bounds. Its purpose requires the examination and study of conflicting views and opinions. Freedom of the platform is not unlike freedom of the press, and the latter idea has won wide acceptance and respect. Similarly, the university forum must be protected and respected under just laws fixing responsibility for acts and not for beliefs and opinions.

These policies have been discussed with the appropriate committees of the Board of Trustees, and you will hear more about this later this morning in the presentation of the Trustees.

- - - - -

Upon the enactment of the Visiting Speaker Law in June of 1963, the administration of the University issued a brief statement saying that at the next meeting of the Executive Committee of the Board there would be discussion

to determine the means of complying with the statute. The Executive Committee met on July 8, 1963, and approved a policy for compliance.

Prior to the meeting of the Board of Trustees in formal session on October 28, 1963, the great majority of Trustees had been fully informed about the Law through six regional meetings of Trustees in six cities attended by sixty-eight (68) members of the Board. On October 28, 1963, the Chancellors and I gave the Board a full report on the statute, submitted faculty resolutions on the Law, and gave examples of the injurious effect of the statute.

Following extensive discussion, the Board adopted the following resolution:

"WHEREAS, the 1963 North Carolina General Assembly enacted a statute 'to regulate visiting speakers at State supported colleges and universities'; and

"WHEREAS, the statute violates an essential principle of university existence to which The University of North Carolina has adhered steadfastly for more than a century and a half; and

"WHEREAS, the faculty and officials throughout the entire University are uncompromisingly opposed to the statute; and

"WHEREAS, the statute is detrimental to the standing of The University among institutions of higher learning, and adversely affects its ability to retain and continue to attract faculty members of excellence; and

"WHEREAS, the responsibility and authority for educational policy-making should remain vested in the Board of Trustees:

"NOW, THEREFORE, BE IT RESOLVED:

"1. The Board of Trustees of the consolidated University of North Carolina deplores this legislation as a departure from the tradition of our State.

"2. The Chairman be directed to appoint a special committee of fifteen members of the Board of Trustees to determine and implement measures to remove this legislative impairment of intellectual freedom and preemption of the authority and prerogatives of the Board of Trustees."

The committee was appointed by Governor Sanford on October 21, 1964, under the chairmanship of Mr. William Medford, a distinguished former member of this legislature and now **Federal** District Attorney.

On April 24, 1965, the Medford Committee communicated its report to the Chairman of the Board of Trustees, Governor Moore. Mr. Medford will comment later this morning on the recommendations contained in the Report of his Committee.

But the report of the Committee was presented to the Executive Committee of the Board on April 27, 1965, where it was approved unanimously. It was again presented to the full Board of Trustees at the meeting of May 24, 1965, where a motion that it be given full endorsement was adopted.

Now, Mr. Chairman, I have recited the course of action respecting this matter to show that there has been complete and conscientious compliance with the Law by the University; that the Trustees of the University have acted responsibly and spent many hours on this problem; and that the consideration of the meaning of this Law for the University has been conducted according to regular established procedures of student government, faculty government, and the orderly processes of the Board of Trustees.

Now, in the context of this demonstration of orderly processes of University government, I am compelled to say that a disturbing question that is raised by the Law is the threat that it presents to the plan of governance of the University by a Board of Trustees elected by the General Assembly. Traditionally, the lay board has been the effective instrument of guiding institutions

of higher education along the lines of objective regard for the public interest. They have also been the bulwark of educational institutions against unnecessary political control. Anything that weakens the governing board inevitably opens the way to further difficulties both from within and from without. One real concern we feel with the Speaker Bill is that this legislation does deprive the duly elected Trustees of their traditional and long-established authority to operate these State-supported institutions and that, by doing so, it is detrimental to the University in its relations, its standing, its functioning, and its future development. Furthermore, by choosing these means of regulation, we have established a practice that is contrary to the great and honored traditions of free and open discussion in North Carolina. We stand alone among the states of the Union in having such legislative regulation, and we know that Ohio, Florida, South Carolina, Georgia, New Hampshire, Virginia and just two weeks ago--Alabama-- have all considered and rejected similar legislation and left the control of their institutions to the trustees.

Now, one other point to illustrate further the attention and diligence of the Board of Trustees in governing the University. Our Trustees for longer than trustees of most institutions of higher education in the United States have accepted their duty to declare a responsible policy of academic freedom. It has been an essential part of our tradition. As recently as 1959 they spoke on academic freedom and faculty responsibility in these words:

"1. Academic freedom is the right of a faculty member to be responsibly engaged in efforts to discover, speak, and teach the truth. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict him in the exercise of these freedoms in his area of scholarly interest." That is the declaration of freedom.

The second one deals with faculty responsibility:

"2. The University recognizes that in his role as a citizen, as to matters outside the area of his scholarly interest, the faculty member has the right to enjoy the same freedoms as other citizens, without institutional censorship or discipline, though he should avoid abuse of these freedoms. He should recognize that accuracy, forthrightness, and dignity befit his association with the University and his position as a man of learning. He should not represent himself as spokesman for the University."

Now, Mr. Chairman, at the meeting of the Commission on August 12 in testimony supporting the need for the Visiting Speakers Law, statements were made about various persons who had spoken on one of the University campuses or had been enrolled as students or in other ways associated with our institution. This testimony has been the cause of much concern on the part of the University. Indeed, it was stated that the University fostered "leftist" views.

Now, I have, with the assistance of my associates in the University, examined as thoroughly as possible every allegation that was made at the hearing of the Commission on August 12. In the interest of time, I shall not respond to each one here and now; but I wish to make it clear that I am prepared to respond to every single assertion with factual information about each and to do so here and now if the Commission desires that it be done. If allegations involving other individuals or events are made in later hearings, I shall appreciate the opportunity to present any information which we might develop which would be relevant to the allegations.

Now, taking only those instances of alleged or actual appearances of speakers on the campuses by individuals named, the facts are as follows:

John Gates, Editor of The Daily Worker, did not speak on the campus. He spoke at a downtown location in Chapel Hill in 1949.

After checking with the governmental agencies who are concerned with subversion and a check of available newspaper files, to the best of my knowledge and belief, Gus Hall has never appeared as a speaker on the campus of the

University. Now, in fairness to Senator Morgan, let me say that he did not allege that he did, but Gus Hall's name has been mentioned several times, and I wanted to clear the air.

Clarence Hathaway, former Editor of The Daily Worker, appeared at Chapel Hill 28 years ago on March 30, 1937, under the auspices of the Human Relations Institute, a recognized University group.

Carl Braden did not speak on the campus of the University under a ruling taken pursuant to the 1963 statute. He spoke on May 17 of this year in a church in Chapel Hill.

Richard Crowder and Harold Reep spoke in Gerrard Hall in August of 1962.

Langston Hughes appeared on the campus at Chapel Hill on April 6, 1960. He was invited by graduate students in English.

Ann Braden spoke in Gardner Hall on October 26, 1961, sponsored by committees of the YMCA and the YWCA.

Milton Rosen spoke in Gerrard Hall on December 3, 1962.

Now, having acknowledged which of these individuals did appear, the question that presents itself is whether there was in all of them one single instance of University neglect, or violation of the law, or propagating Communism, or fostering subversion, or deviating in any way from the course of a genuine and responsible university.

If it is charged that unpopular or controversial persons have been given an audience on our campuses, we can only say that it is true. If it is charged that this is inconsistent with the nature of a university, we would ask to be shown wherein and why. If it is said that we have knowingly violated the Law or by deliberate design fostered or propagated Communism or any other ideology, we deny it.

Apart from a few visiting speakers from among the hundreds who have appeared annually on our campuses, attention was drawn to a few students who were in attendance over a period of twenty years. Now, I do not think it necessary or appropriate on my own motion, Mr. Chairman, to examine into the beliefs of these students or the duration of those beliefs. The question, again, is whether the University has been negligent or whether it has been irresponsible in its proper relationship to its vast body of students.

I think there is no person in this audience today who does not understand that any university composed of young, alert, vigorous, and growing minds must necessarily and properly harbor many different and disparate points of view that are in various stages of formation and development, points of view that represent at best the body of thought that shapes our national character, but we hope that the tradition of dissent will never be absent from the University. It is this freedom to disagree, to encourage intellectual independence, to interpret facts and ideas forthrightly without regard for what happens to be popular at the moment, that has been a major force in making this country what it is today. Periods of history marked by efforts to suppress dissent in universities are periods when the liberties of citizens are also placed in jeopardy. A distinguished American put it in these words: "The civil liberties of citizens and the independence of communities of scholars have marched forward and retreated side by side."

In recent months there have been implications that suggest that the University is careless with the security of this nation and the effect has been to undermine in the minds of some citizens their justified trust in their University.

This has occurred at a time when, as never before, the strength and posture of the University are important to North Carolina, to the nation, and indeed to

the entire free world.

We seize this opportunity to set the record straight and for all to hear and to reach out to those who rightfully can trust this University to serve their interests.

- - - - -

Now, Mr. Chairman, I should like to ask Mr. Robert Spearman to join me here. Mr. Chairman and Members of the Commission, Mr. Spearman has just finished his term as President of the Student Body at Chapel Hill. He is a North Carolinian who graduated from the University this spring. He was President of Phi Beta Kappa, he holds many outstanding awards for his leadership, and later this month he will be on his way to England for study at Oxford University as a Rhodes Scholar. By any measurement, Mr. Spearman is an able and highly competent young man.

Now, Mr. Spearman, during the testimony given the Commission in August, it was suggested that students might feel that to pass their work and get good grades they might have to take a leftist tinge.

You were the elected representative of all the students. You know their views and thoughts and you passed your work. Do you believe that students have to take a leftist tinge to pass and get good grades at the University?

Mr. Robert Spearman: Thank you, Mr. Friday. Mr. Chairman, Mrs. Swindell, and Gentlemen of the Commission, I would like to say first that I think the charge that students at Chapel Hill are forced to take a "leftist tinge" in their work is totally unjustified and an irresponsible allegation. To begin with, most of the many subjects which are taught at Chapel Hill, of course, have no connection with politics in any way whatsoever. In disciplines such as

mathematics, chemistry, physics and foreign languages, for example, I think it's obvious to everyone that political affiliations and political beliefs are entirely irrelevant. But, of course, there are a number of other subjects at Chapel Hill which do involve the discussion of public policies and public affairs. These courses would include matters such as political science, sociology, economics, and history. Last June, I graduated from the University with a degree in political science. In addition to my major, I took a number of courses in history, economics, sociology, and English literature. I have never once felt that I had to take a leftist viewpoint in order to pass my work or to receive good grades, nor have I ever heard any of my fellow students say they felt they had to modify or to conceal their views in order to succeed academically, but let me tell you for a moment just exactly what students do feel is required of them at Chapel Hill. Simply stated, we must exhibit a high standard of scholarship. This includes the retention and a clear understanding of factual material, it includes an ability to communicate this understanding in papers and on examinations and it includes the capacity to explain and to interpret the facts which we learn. These are the requirements for any student at our State University, whether he be a Republican or a Democrat, whether he be a conservative or a liberal. I know this is true from my personal experience because I have lived and studied in Chapel Hill four years. During this time, as you can very well imagine, I have taken courses with students who hold a wide variety of political beliefs. I have seen one officer of the conservative student organization, Young Americans for Freedom, graduate from the University Phi Beta Kappa. There are countless similar examples. Another one which stands out quite clearly in my mind occurred when I was taking an economics course in my junior year. The political beliefs of the particular professor

teaching this course could probably be described as those of a liberal Democrat. One day after a class, I talked with a fellow student, a fellow student in the course, and we discussed the topics covered in that day's session. The boy told me he was particularly interested in the course because it gave him a clearer understanding of exactly what role of the Federal Government was in the American economy. The student said, that in his opinion all government involvement in the free enterprise system should be kept to the very bare minimum. And the boy had expressed the same viewpoint in many of the class discussions before that time and later. At the end of the year this same student received an "A" in the course and he had accumulated the highest grade point average in the class. But he received the grade which he had honestly earned exactly the same way that all his classmates did. The students at Chapel Hill simply do not feel that they must twist their beliefs in order to placate professors. Rather, we are very proud of the excellent faculty at the University; we respect their integrity and their objectivity; and we very much appreciate their unselfish devotion to the teaching profession. Thank you.

Dr. Friday: Thank you very much, Mr. Spearman. Now, Mr. Chairman, there were several references to resolutions passed by the Chapel Hill American Legion Post and the State Convention of the American Legion which called for a legislative investigation of certain activities at the University at Chapel Hill. From the record of the hearings in August, I cite this specific statement, and here I quote:

"To this date, to my knowledge, the Board of Trustees has not acknowledged the resolution presented by the American Legion nor have they caused any inquiry to be made into its contents."

Upon hearing this statement, I caused a search to be made of the University files to determine whether the resolution referred to had ever been formally transmitted by an official of either the local Post or the State Headquarters to the Chancellor, or the President, or the Trustees of the University. So far, we have been unable to find any such communication. On August 19, I wrote asking for copies of any letters from authorized Legion officials to the University, and the day before yesterday Senator Morgan advised me by telephone that there had not been any such letters of transmittal written.

I believe it important to point out that the resolution referred to called for a legislative investigation and not for an investigation by the Trustees of the University.

In the testimony offered you, there was a quotation from a speech made by Dr. Frank Graham at Boone, North Carolina on June 29, 1963 and the quotation was as follows:

"A member of the Communist Party who is necessarily under the tyranny of the Party line and therefore automatically without freedom of mind has no valid place as a teacher in a free University."

Well, from what I've already said, you know that the University not only agrees with this but has implemented this policy for a number of years. But I should like to point out, Mr. Chairman and Members of the Commission, that in this same speech and, indeed, in the same paragraph from which the quotation I've just read was taken, Dr. Graham had this to say and I quote:

"Responsible student organizations should have freedom to invite and to hear speakers of unpopular views, whether to the right, the left, or in the middle,"

Now, a statement issued by the Association of American Universities was also cited in the prior testimony with approval. This statement condemns Communism and adds this quotation: "Since present membership in the Communist Party requires the acceptance of these principles and methods, such membership extinguishes the right to a University position. Academic Freedom is not a shield for those who break the law." This statement, like that of Dr. Graham's is in complete accord with the University policy of not employing members of the Communist Party as faculty members in institutions of higher learning. I respectfully suggest, Mr. Chairman, that this matter is not involved under the terms of the Speaker Bill.

- - - - -

I hope these comments have made it very clear that this is not a matter of being "for" or "against" Communism. I repeat, the University is opposed to all systems of government that suppress the liberties and freedoms of its people.

The University does have faculty members and students who hold and express unorthodox and unpopular views. It would not be a first-rate university if this were not true. But, surely, the time has not come in North Carolina when such expressions will not be tolerated. I have great faith in the people of this State and in their willingness to accord to any citizen the guarantees under the Constitution each of us claims for himself.

Finally, Mr. Chairman, after referring to a series of incidents in recent years at Chapel Hill, this statement was made to you on August 12,

and here I quote:

"It was shortly after these incidents that the Legislature of North Carolina, weary of waiting for an indication or acknowledgement that the problem complained of existed, enacted the present Law."

Well, Mr. Chairman and members of this Commission, the information I have given you on University policies concerning Communism, the employment of faculty members, the oaths of office, the safeguards we have established-- this information and more was available if we had only been given the opportunity, just one opportunity, to be heard before this Law was passed.

Now, Mr. Chairman, when I learned of your invitation to former Chancellor William Aycock to appear before this Commission, I suggested that he join us and use part of our allotted time since what he will have to say will, of course, relate to his experiences during the seven years he was Chancellor of the University at Chapel Hill.

Now a Professor of Law, William Aycock is widely known and respected in North Carolina. He is a native son and he was a rifle battalion commander in the 87th Infantry Division in Europe and was awarded the Silver Star and the Bronze Star, and the Legion of Merit. And I might add, Mr. Chairman, that he's cleared for top secret access in the Department of Defense.

He is a teacher, scholar, author, and administrator--and these have been his distinguished services to this State since he joined the University faculty in 1948. I am pleased, Mr. Chairman, to present Professor Aycock.

Professor William Aycock: Mr. Chairman, Members of the Commission, my appearance today is in the role of a member of the faculty of the University of North Carolina at Chapel Hill. I hope, however, you will permit me insofar as possible to remain accountable for decisions I made during the years I was privileged

to serve the University in an administrative capacity.

Perhaps one born in Lucama and reared in Selma (the one in Eastern North Carolina) should not claim to be an R.F.D. teacher; but at most, Mr. Chairman, any distinction in my case is merely technical. I am aware that some of the proponents of the Speaker Ban Law do not look with favor on those persons, especially teachers, who express views in opposition to their own in respect to this law. So far as I know the decisions of Presidents, Governors, Congress or the Courts, both state and federal, have never been afforded the immunity from criticism which has been suggested for this law by those few persons who authored it and arranged for its passage. They freely extol the supposed benefits of this legislation but they object to having its harmful effects called to the attention of the citizens of North Carolina.

The most reassuring development to occur in this State since this law was passed on June 25, 1963 is the determination of this Commission to explore fully all aspects of the Speaker Ban Law. My purpose in appearing today is to discuss briefly three aspects of the law; namely, the question of need, (2) the difficulty of its enforcement, and (3) the extent to which it dilutes a fundamental principle of freedom. In order to deal concretely and specifically with these matters it will be essential in several instances to use the names of certain persons.

You will recall that Mr. Robert Morgan, spokesman for the American Legion before this Commission, indicated that the Speaker Ban Law was passed by a General Assembly which was "weary" of waiting for the University to acknowledge that the problem complained of existed. Implicit in this assertion is that the General Assembly had made requests of University officials that had been ignored. This, of course, is not the case. Mr. Morgan was apparently referring to the

charges against the University at Chapel Hill which the American Legion requested the General Assembly to investigate. Now, this is quite different from the General Assembly waiting for a response to inquiries which it never made. It might also be helpful in this connection, to give a brief resume of the role of the American Legion in this matter of investigating the University.

On September 17, 1962 the Chapel Hill Post of the American Legion passed a resolution which I understand was written by Colonel Henry E. Royall who also appeared before this Commission. Now, what did this resolution say? It called upon the General Assembly, and I quote, "to determine to what extent if any Marxism has permeated the University and to investigate for the purpose of remedial legislation, should the findings so warrant in order that freedom-loving North Carolina may be saved from a possible academic Frankenstein of their own creation." A few days after this resolution was made public, the Associated Press inquired about my reaction to it. I responded on October 9, 1962. This public statement which I made ended by saying "our inquiries, our inquiries indicate that there are no grounds to warrant an investigation." In short, I disagreed with the Chapel Hill Post of the American Legion on the need for a legislative investigation. The reason for the disagreement is very simple. We at the University knew the facts and we were willing to share them with anyone who desired them. The author of this resolution for example has known me for many years but he has never made any effort to discuss the subject of his resolution with me prior to or subsequent to the adoption of the resolution by the Chapel Hill Post of the American Legion. We at the University had no intention that the freedom of the University would be destroyed by any person or group. We were constantly diligent and we made repeated inquiries on our own and our cooperation with the Federal Bureau of Investigation was full and continuous.

The next development in the matter of an investigation of the University occurred on June 22, 1963 just a few months after the resolution of the Chapel

Hill Post. On that date the state convention of the American Legion passed a resolution recommending that the General Assembly investigate the University along the lines previously suggested by the Chapel Hill Post in September, 1962. On the same date Legionnaire L. J. Phipps of Chapel Hill was elected State Commander. Now, on June 25, 1963 the day the Speaker Ban Law was introduced and passed Commander Phipps wrote me a letter and here is what he said, Mr. Chairman:

"Dear Bill:

I am enclosing a copy of a statement which I have just released to the newspaper relative to the resolution which was adopted by the American Legion in Charlotte.

Personally, (says Commander Phipps) I was hoping that this resolution would note (sic) get to the floor of the convention and I thought it had been killed by the convention committee on Friday night, but someone was able to get it out of committee and on the floor of the convention.

I want to pledge to you and to President Friday my support at any time you need me during the next twelve months."

Commander Phipps' views on investigating the University were more fully revealed in the statement attached to his letter. He said in part, and I quote again:

"Because of the militant stand which the American Legion has taken against Communism, I am informed by prior State Commanders of the American Legion that many suggestions will be made that certain persons or groups of persons are subversive and that the Federal Bureau of Investigation prefers to conduct its own investigation of such reports and rumors and as State Commander of the American Legion I will work closely with the Federal Bureau of Investigation in this field and should any person on the campus of the University of North Carolina be involved, then I will also work closely with President Friday and Chancellor Aycock."

But he closed his statement with this, and I quote again. This is on June 25, 1963:

"It is my opinion that there is not time enough for the introduction and consideration of a resolution carrying out the suggestions made by the Legion Convention in the present session of the State Legislature."

Thus you have the record. Three days before the Speaker Ban Law was passed the State Commander of the American Legion, a long time resident of Chapel Hill, did not think it was necessary for the State Convention to consider on the floor the resolution submitted to it by the Chapel Hill Post. Further, on the same day the Speaker Ban Law was introduced and passed he thought the appropriate agency to investigate was the FBI, and finally, he did not think there was time enough for the General Assembly to consider whether or not it should undertake to investigate the University. Now on this matter of an investigation of the University suggested by the American Legion, it is clear that Commander Phipps and I were in agreement. Yet, Mr. Robert Morgan, spokesman for the Legion, now asserts that the General Assembly was "weary" of waiting for the University to acknowledge that the problem complained of existed.

My first knowledge of the Speaker Ban Law came to me over the telephone from my wife who happened to hear a report about it while listening to the radio. It was surprising to learn that a law affecting vitally the University would be passed without an opportunity for someone responsible for its administration to be heard. The surprising feature was not how quickly this law was passed but the lack of study of its provisions and the effects thereof on higher education.

I hasten to say, however, that it has always been my view that the University has a duty to obey all laws. Consequently, immediate steps were taken to comply with the Speaker Ban Law. Its proponents to this day continue

to assert that this law is a simple one to enforce. But to one charged with the responsibility of its enforcement it is extremely vague in almost every particular. In short, it bristles with ambiguities. Several of these ambiguities are already known to you. I shall, therefore, not dwell on this feature. Only one or two points will be made. Representative Phillip P. Godwin stated that no penalties were intended. It is not at all clear that it is a law without criminal sanctions. The Supreme Court of North Carolina has applied the common law rule that where a statute commands an act to be done or proscribes the commission of an act, and no penalty is expressly provided for its breach, its violation may be punished as for a misdemeanor. (State v. Bishop, 228 N.C. Reports 371.) Further, Chapter 14-230 of the General Statutes of North Carolina provides, and I'll read the relevant portion:

"If any . . . official of any of the State institutions . . . shall willfully omit, neglect, or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a misdemeanor."

Now, it does not disturb me that this law may have sanctions of a criminal nature even though such was not intended. Sanctions would enable those persons who assert violations to see that the alleged violator is brought to the bar of justice. Without sanctions an institution accused of a violation is helpless to defend itself against spurious charges.

Is this statute one in which persons of common intelligence know its meaning and agree on its application or is it so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application? One test should suffice to illustrate what I have in mind. What is meant by the provision in the Statute which refers "facilities of such college or university for speaking purposes?" Now, Channel Four, WUNC-TV, the television

station of the University, is a facility. But is it a facility within the meaning of this Act? Now if it is, is it legal to permit any of the proscribed speakers to say a single word on any subject on Channel Four? What about news programs? Would it make any difference if the speaker were in a studio or off the campus or whether the program was live or taped? Would it be permissible to telecast words of the proscribed speakers over Channel Four so long as all the sets on the campus were off? What about the Carolina Inn, a University-owned hotel on the campus? Can a University-owned television set in the lobby of the hotel show programs originated on a commercial station involving any speaker in the forbidden class? Now, what is the answer? Who knows? Many such questions I submit will continue to arise so long as we have this law.

Obviously this law could be more precisely written in many ways but all the technical skill in draftsmanship which could be mustered cannot make wise a law which transgresses a fundamental principle of our great heritage. In discussing this fundamental principle I could quote such masters of freedom as John Stuart Mill, John Milton or Thomas Jefferson, or others. Instead, I have chosen to quote a well-known North Carolinian who on August 4, 1964 discussed his views on the subject of freedom. He did so in connection with the renewal of the license of WRAL-TV by the Federal Communications Commission after this agency for several months had investigated alleged violations of the so-called "Fairness Doctrine" by the station. I refer to the telecast of Mr. Jesse Helms on his program "Viewpoint." Now, Mr. Chairman, to avoid any misunderstanding of my purpose permit me to emphasize that I turn to Mr. Helms because I endorse his clear expressions on the subject of freedom.

I now quote from the August 4, 1964 telecast of Mr. Helms:

"Broadcasters (he says) throughout the nation have long complained that the Fairness Doctrine is vague beyond comprehension, that it imposes obligations and responsibilities, and even that the FCC exceeded its authority in the adoption of a document which, as some of our newspaper friends now note, 'come close to an attempt at censorship.'"

Now, if you substitute "educators" for "broadcasters" -- "Speaker Ban Law" for "Fairness Doctrine" and the "General Assembly" for "FCC" and the result is an articulate statement of our viewpoint of the Speaker Ban Law.

I quote further from the August 4, 1964 telecast of Mr. Helms. I quote again:

"But one thing is pointed up above all others--and that is the broad matter of governmental controls. In all candor (he says) we see no more importance in protecting the freedom of broadcasters, or a newspaper, than we do in preserving the freedom of, say, a doctor, or the operator of a restaurant or a factory or any other business. WHEN ONE IS DENIED (he says) ANY PART OF HIS RIGHTFUL FREEDOM, THEN EVERY MAN'S FREEDOM HAS BEEN LESSENERD."

I agree with this statement. Further, I agree with it when applied to the University of North Carolina. The University in my judgement does not need any more freedom than WRAL-TV or the operator of a restaurant or a doctor or anyone else. So far as I am concerned the scope and extent and I repeat, the scope and extent of academic freedom is not anything special or different from those freedoms enjoyed by citizens in general. As a member of the faculty the freedom I need is exactly the same freedom of speech, freedom of the press, freedom of religion and other freedoms guaranteed to all citizens. There are, of course, limitations on the freedom of all citizens such as the laws of libel and slander. As a faculty member I do not need or desire exemption from those limitations on everybody's freedom. The Smith Act and its North Carolina counterpart, the much-discussed Act of 1941, limits the freedom of any person to advocate the overthrow of government by force or violence. I approve of these laws. They apply to all persons whether on or off the campus. But what about the Speaker Ban Law? It is quite different from all other legal limitations on freedom. One very important difference is that the

Speaker Ban Law is a special limitation on the freedom of the campus. Speakers forbidden on the campus are free to speak anywhere else in North Carolina. They can speak in the State Legislative Building or they may be heard and seen over the facilities of WRAL-TV. The Speaker Ban Law is a special dilution of campus freedom. And as Mr. Helms says--"When one is denied any part of his rightful freedom, then every man's freedom has been lessened." Now, why restrict the Speaker Ban Law to college and university campuses? The argument is made of course that these young people are at an impressionable age and they need this protection. If so, why not protect them from hearing the forbidden speakers over all media including radio and television? Should these forbidden speakers on the campus be "dignified" as that word has often been used, by being allowed to use facilities licensed by an agency of the people of the United States? Another aspect of protecting our youth should not be overlooked. If college and university students need to be protected from the forbidden speakers, doesn't it follow that it is even more imperative to offer the same protection to our thousands of unfortunate "functional illiterates" who can hear even though they cannot read?

Mr. Helms had more to say on the fundamental principle of freedom, and I quote him again:

"In any event, we do think that, as a matter of precedent, it is important to consider the possibility that an element of control over one medium of communication today might well tomorrow lead to attempts to impose such controls on all media."

On October 22, 1963, almost a year before Mr. Helms made this statement, The Faculty Council of the University of North Carolina expressed similar concern. It said:

"Legislative censorship, once begun, carries an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them."

Now, the University has been criticized for not imposing its own censorship on speakers. Now, to do this you've got to have a censor. So for a moment let's each of us suppose that we had the job as a censor on the campus on one of our State institutions. Now, further, suppose that the students invited a speaker to the campus, a person known by you as one who has asserted that the President of the United States "runs our socialistic dictatorship with a mouthful of peace and a handful of war." Would you let him speak? Would you let him address "impressionable" college and university students? Would you suggest it would be a boost to the morale of the boys in Viet Nam for this person to tell them that they already we have a socialistic distatorship at home?

One other example. Suppose as campus censor you have in hand this statement, and I quote:

"If the federal judiciary and the executive branch of our government take the law into their own hands, then they deserve no better than Charles the First and Archbishop Laud got; they had their heads cut off by a people who despised dictators."

Now, these statements were not made by the forbidden speakers but rather by well known conservative North Carolinians. Should these persons be permitted to speak on the campus to college and university students? I would let them speak and I would also let those banned by the 1963 Law speak. I cannot think of a better way for a college or university student to learn that a Communist is not truthful than for him to listen to him talk and to question him on what he said. The same is true of any speaker who makes extreme statements. In short, which is better--a practical education in communist deceit and exaggerated assertions or just a theoretical one? Those of us who teach can testify that college and university students are quick to

react to any effort to deceive them.

I am glad that the American Legion continues to be alert to subversion. So is the University. We agree on the danger. Our disagreement is solely over the method of combating the evil. Some members, and I repeat, some members of the American Legion think the Speaker Ban Law is an appropriate and useful way of combating subversion whereas I do not. Mr. Dudley Robbins, a former State Commander of the Legion, called to the attention of this Commission a pamphlet TEACHING ABOUT COMMUNISM (A publication of the joint committee of the National Education Association and the American Legion). The following statement on pages 4 and 5 of this pamphlet expresses my views quite well:

"The right to think as one wills, (says this pamphlet approved by the highest authority of the American Legion) to speak as one thinks and the willingness to exercise these rights are requisite to the survival of free men in a free society. These rights are indispensable to the accomplishment of the purposes of education in the free society, (let me emphasize this statement) wherein the only effective answer to evil counsel is the free exercise of good counsel. Unfortunately, however, there are those who would smother the free spirit of America under the guise of combating communism; they would stifle free discussion and search for truth; they would deny dissent; they would impose patriotism by any means at their command; they would willingly use the means they most vociferously condemn when used by the communists." (And the rest of the statements here, I agree with those, too, Mr. Chairman.)

As previously emphasized I agree also with the principles of freedom enunciated so well by Mr. Jesse Helms. We disagree on the application of those principles. He applies these principles of freedom to all--with one notable exception--institutions of higher learning supported by public funds. Now, he favors the Speaker Ban Law, if I understand him correctly. I oppose it. All I want is his principles to be applied uniformly. I do not want an exception made for institutions of higher learning supported by public funds. I want the same freedom in my work that he wants in his work, and finally, Mr. Helms reminds us that "freedom of the press is a freedom that will not necessarily endure

forever unless a fight is made to preserve it." And I say and so it is with all freedoms.

The time has come to appraise realistically some of the assertions made by the proponents of the Speaker Ban Law. First, they contend their objective is to protect college and university students from subversive influences which might result from an appearance on the campus by the forbidden speakers. Yet, they hasten to say that the freedom of the institution has really not been taken away because the speakers can be heard anywhere but on the campuses. On the other hand, there are repeated assertions that the purpose of the law is to relieve the taxpayers of providing a public facility for the forbidden speakers. But this of course is true only in a very limited sense inasmuch as all public facilities in North Carolina are available to the forbidden speakers except those on the college and university campuses. If the purpose of the law is to fight communism and subversion, it is at most, a feeble gesture. Those who favor this law ought to insist that it be extended to apply throughout the state and to all media. In short, make the prohibition a general one throughout the state rather than a special one for institutions of higher learning. Otherwise, the proponents of this Law are really taking a strange position, i.e., freedom in North Carolina is adequate to combat the evil influences of the forbidden speakers everywhere in the State but in the citadels of freedom, that is your college and university campuses. Now, of course, these same objections would apply to an expanded law as apply to the current one. But two purposes at least would be served by vastly expanding the law, first--the proponents of this legislation would have a law which is broad enough to express their views in a meaningful way--and secondly, the voice of the people and of all media would become loud and clear in opposition to a law which so vitally infringes on the freedom of all

North Carolinians.

Now, another alternative is to take seriously the advice of Mr. J.

Edgar Hoover: In his book, The Masters of Deceit, he had this to say:

"...we must be absolutely certain that our fight is waged with full regard for the historic liberties of this great nation. This is the fundamental premise of any attack against communism."

That's italicized in this book.

Now, we can fight subversion without sacrificing a fundamental principle of our freedom for what is, in reality, false security. North Carolina has come a long way short on cash but long on freedom. The Speaker Ban Law is in my judgement a mistake. On previous occasions, I have said that this law was passed by friends, not enemies of the University. It was motivated by love in an endeavor to protect students in state institutions from communism. But this love is overly protective. Although not so intended it is nevertheless a mighty blow against freedom. It will take much time and great effort to upgrade the economic status of our people, but little effort and no money will be required to restore to North Carolina its high place among those people in the world who believe in freedom. In keeping with the highest traditions of this State this law should be acknowledged to be a mistake and this mistake should be corrected by outright repeal as soon as possible. Thank you, Mr. Chairman.

Dr. Friday: Thank you, Mr. Aycock. Now, Mr. Chairman and Members of the Commission, if you'll turn forward in the material you have which represents the documentation to substantiate the statements contained in Mr. Aycock's paper, page marked 24 in the upper right hand side about 10 to 15 pages - forward...

Chairman Britt: President Friday, I believe it would be well right at this time, before you proceed further in hearing from the Chancellors, for the Commission members to take a very brief break. I will ask members of the Commission to look at the clock on the wall. You will notice that according to that clock it is about 18 minutes until 12 o'clock. We will take an eight minute break and will reconvene exactly at ten minutes until 12 o'clock and please be back in your places.

- - - - -

Chairman Britt: The Commission will please come to order. Ask the visitors to be as quiet as possible in resuming your seats. At this time I recognize again President William Friday, who will proceed with his presentation.

Dr. Friday: Now, Mr. Chairman, I refer again to your letter of invitation of August 13. There you stated: "Specifically, what the Commission wants to know is: (1) Has the Speaker Ban Law injured your institution, or will it probably injure your institution and, secondly, If so, why?"

I have asked each of our Chancellors to be prepared to answer these specific questions for you.

And I trust I do not have to identify biographically each of these persons, it being well known that they are able and conscientious people. But I do want to say that each of them has served his country with distinction in time of war, and they are loyal Americans who have been cleared by the proper agencies of our government to deal with top secret materials issued by the agencies of our government, and I am very proud to be associated with each of them in the administration of the University.

I am pleased to present these persons to you now beginning with Chancellor Paul Sharp, who has fully justified our high hopes during his first year of his term as

Chancellor. He has served the University and State with real distinction.
Chancellor Sharp.

Chancellor Paul Sharp: Mr. Chairman, Mrs. Swindell, Members of the Commission:

I am grateful to you for this opportunity to speak on behalf of my staff and faculty colleagues of the University at Chapel Hill. We believe that what is said and what is done before this commission and by it may very well influence the history of the University at Chapel Hill for the next quarter of a century.

You have asked me, Mr. Chairman, to answer two questions:

1. Has the Speaker Ban Law injured your institution, or will it probably injure your institution? and,
2. If so, why?

I am sorry to report to you that in my judgment, House Bill 1395 has already damaged the University at Chapel Hill; its effects are currently injuring the University at Chapel Hill; and unless the legislation is removed, the damage already suffered is only a tithe of the injury we will sustain.

An immediate outcry of concern from the Chapel Hill campus greeted this legislation. No outside agencies needed to remind this faculty of the dangers inherent in this legislation. Statements by President Friday, by Chancellor Aycock and by the Faculty Council spelled out the reasons for our opposition to this act and predicted the nature of the damage the University would likely suffer. News media widely circulated these statements throughout the entire state and our fellow citizens were fully informed of the reactions and the concerns of the faculty at Chapel Hill.

Subsequent events unfortunately have confirmed these predictions. Faculty morale has suffered, students are restless, administrators are harassed and distracted from essential duties, public controversy mounts,

accreditation is threatened, professional organizations refuse to meet on our campus, and we suffer the indignity of unbridled public criticism on the one hand and severe reprimand by our professional colleagues throughout the nation on the other.

Few institutions can perform effectively when morale declines. A university is no exception. Thus when we read charges that the campus swarms with unnamed communists, though FBI reports indicate that there is not one single campus communist; when we are told that accreditation does not matter or that we should accredit ourselves in North Carolina, though we know that the judgment of our fellow professionals throughout the nation is the lifeblood of our pride and of our self-esteem and that any other accreditation is meaningless; when we are told that it would be good if opponents of this bill would leave, though their departure would deprive us of talent carefully recruited and nurtured over a quarter of a century; and above all, Mr. Chairman, when we are told that freedom is served by bans, knowledge is enhanced by silence, and truth is better understood without knowing error; the University community must ask whether the state really accepts these anti-education beliefs and whether the favorable environment within which our scholars and teachers have lived and worked is disappearing in this state.

We have already lost faculty members at Chapel Hill because of this act and we expect an accelerated attrition if it remains in force. As one faculty member in the School of Medicine wrote in his letter of resignation:

"I am sorely disturbed that in the enlightened state of North Carolina the University has become subject to political whims. In the past the University has derived great strength from its relative independence from outside controls. To see this crumble is a bitter disappointment."

Yet another scientist recently wrote me and I quote:

"Over several years I have refused offers from several fine universities. These offers have included advancement in rank and more salary than I receive here. They have offered more laboratory space and departmental funds to supplement my research support. I have remained for two reasons. One reason is the freedom for research and scholarly exploration which I have enjoyed under a Federal Grant that was given this University for my support. The other reason, and in many respects the most important one, is the atmosphere of humane, intellectual and responsible freedom prevalent on this campus and in this community. It is evident that if present trends are not reversed I must seek a position elsewhere... I am loyal to this school and to this state. I shall do all I can to help, but I cannot endure loss of legitimate freedoms."

Recently as you may have learned through the public press, my colleagues on the faculty called to my attention their "acute concern about the growing threats to our traditional pattern of free inquiry and increasing political encroachment upon our academic affairs." Three differently worded petitions signed by 281 full time members of the faculty emphasized the injuries they fear through this law.

These statements advised the Chancellor that House Bill 1395 "is hampering the recruitment of new faculty talent, affecting our ability to draw students of great promise from around the nation, and limits us in attracting endowments and other financial support." Many indicated they believe it would be impossible for them to remain on a campus burdened by these restraints on their work. Others indicated that they knew of colleagues who would feel impelled to seek positions on other campuses.

A Chancellor who receives such advice from members of a faculty must be gravely concerned with the future of the institution. Though these petitions circulated for only three days, May 25 to May 28, during the

busy final days of the semester and no systematic coverage of the entire faculty sentiment was attempted, the numbers and positions of the faculty who signed these statements should give all of us pause.

Of the 281 members who signed these documents, 185 are tenured members of the faculty. Indeed, 14 deans, associate deans and directors; 18 department chairmen; 13 Kenan professors and 4 distinguished alumni professors expressed in this manner the depth of their concern over the harmful effects of this act.

Even more impressive is the fact that more than half of the 281 have served the University from 15 to 25 years. Two-thirds of them are in their middle years, at the height of their intellectual powers and carrying the future of the university in their careers. 145 signatures are Southerners and 96 of these are native North Carolinians. Of immediate consequence to the health and economic welfare of this state is the fact that 110 of the 281 signatures are members of our professional school faculties.

No one argues that the University will suffer a sudden or catastrophic loss of faculty members. We will lose them gradually over a period of several years as positions on other campuses look more attractive because of the political environment within which the University must live under House Bill 1395. As one professor put it at the time of his departure this Spring:

"Only a fool would leave if he did not have a far better offer, and I am no fool. However, the tarnished luster of the University has made this difficult decision much easier."

Another distinguished professor and holder of the highest security clearances from the Atomic Energy Commission recently wrote me:

"My work here at U.N.C. is certain to go to pot if something isn't done and that quickly. During the past five years I have managed to get firmly established a method of attack on a problem in physical chemistry which is beginning to pay off in a big way. I'm a little too old for this kind of thing, but unless the prospects here become less dim, I must try to move the work elsewhere. I assure you that there is nothing I want to do less, and I am anxious to get to work to avoid the necessity."

As in Mississippi and in Alabama, the colleges and universities of the state of North Carolina are increasingly in the national eye as "raidable" institutions. And we are raidable; people who have never seriously entertained outside offers - who, in fact, last year declined them almost automatically - are now considering them seriously, not as a threat but simply because the atmosphere in North Carolina no longer seems to them fully conducive to the kind of work they want to do.

Equally critical is the difficulty we already experience in recruiting new faculty members. In an academic marketplace critically short of talent and over-run by burgeoning institutions whose appetite for new faculty members appears insatiable, we suffer in the fierce competition.

To use one example, in the area of information and computer science, a field vital to the welfare of the entire university and one of the professional foundations on which the success of the Research Triangle must inevitably rest, we suffered severely when a staff member at Harvard University declined our offer to accept an appointment at Cornell University. His letter is instructive. It also predicts the shape of things to come under House Bill 1395 and I quote:

"I decided that the two main attractions at Chapel Hill...the town itself and the program and promise of the department...were not sufficient to overcome the many fears I had of the environment in North Carolina. Even the Christian Science Monitor is carrying stories about the accreditation problems of the University of North Carolina."

Later the chairman of this department sadly wrote me:

"The effect of this blow on our program will be substantial. It will clearly delay our Ph.D program by a year, and make it more difficult to establish. More seriously, it deprives us of the long-term services of an unusually able and conscientious teacher of an exceedingly promising research scholar. I do not know where to find another teacher and scholar of such promise in our field."

This testimony is reinforced by the observations of yet another professor who wrote me concerning the very same problem:

"I must tell you that the mere threat of such a loss (of accreditation) is already increasing our difficulty in competing with other schools for young men who are interested in endocrinology."

Such incidents cause us deep concern. They raise a question vital to the welfare of every citizen of this state: "Can this University remain competitive for first-class talent and for first-class people on the national market?" To be forced to raise such a question weakens the morale of a department, for if it experiences difficulty recruiting able young men, it also will experience difficulty recruiting first-class graduate students. Then the first-class members of the faculty get discouraged and begin to look elsewhere.

A University is tough. It prospers despite our mistakes and it lives above our limitations. It survives our limited financial support and serves us well even when we do not understand its purposes. At only one point, Mr. Chairman, is a university truly vulnerable. Impair its sense of freedom; limit its right to full and open discussion; restrain critical discussion of any issue, however repugnant the ideas or unpopular the spokesman, and we have crippled the spirit without which it is no longer a university.

I believe that in the larger sense, the issue that we will resolve in this state is more than how free is free, or who can speak where, or even who governs and determines policy. The real issue, as we on the faculty see it, is quite simple. Will the University remain free to be a university? Thank you.

Chairman Britt: Thank you, Dr. Sharp.

Dr. Friday: Mr. Chairman, I am pleased to welcome now the newest member of our administrative team, Miss Bonnie Cone, who as we all know has done such excellent work in developing Charlotte College to the fourth campus of the University. Miss Cone.

Chancellor Bonnie Cone: President Friday, Chairman Britt, and Members of the Commission:

Speaking for the University of North Carolina at Charlotte, I should like to thank you for the opportunity of discussing with you the questions posed by your chairman.

As you know, the Charlotte campus has been a member of the University family for approximately three months, and as you might expect, some of the problems experienced by the other three campuses as a result of this law have not yet been experienced by us. The areas in which the Charlotte campus has felt the impact of House Bill 1395 most acutely are (1) in the recruitment of a faculty which will serve an ever increasing student population (2) in the retention of qualified professors now enthusiastically establishing criteria for their departments, and (3) in the provision of an accredited institution to serve its students.

You have heard of developing countries; well, we have a developing campus. Our present purpose is to provide undergraduate programs with standards

comparable to those on the existing campuses. As we attempt to build and to gain initial accreditation as a four-year institution, we are very conscious of the need to employ and retain well-qualified professors who will strengthen and lend distinction to the institution. As we go to the marketplace where there is a dearth of eminent professors, we are fortified with some salary supplements made possible by our Foundation. And we have recruited many of our faculty because they caught a vision of what this University could become. But a vision is not the sturdiest foundation on which to build. Any negative factor makes the problem more difficult as the vision fades and cold reality faces the prospective faculty member.

The Speaker Ban Law is a negative factor, and it has handicapped us in our recruiting. Since we do not at the present have as much to offer as the other campuses, this added burden is a heavy one. A discussion of this law comes up in practically every interview. During the past year, for every two teachers who have accepted a position offered them with us, a third one has rejected the position offered to him. Not all of the applicants stated the specific reason for the refusal of our offer. But one of the strongest candidates, a Ph.D. in Chemistry from Harvard, gave as the chief reason for declining the offer and I quote: "the continuance of the Speaker Ban Law."

The law will also make it difficult for us to retain our present faculty, the majority of whom are young enough to move to other positions. Our faculty in a resolution adopted on January 15, 1964, viewed this legislation as imposing "damaging restraints upon the liberty it is intended to protect." They observed further that "free institutions are not accidents of history but they have been created by the efforts of men and women in every past generation, and they must be supported by each generation."

One of our faculty members, to give you an example of the thinking of our people, came to North Carolina from a neighboring state partly because our state was known to be more enlightened in educational matters than his own. Now he is having serious second thoughts, because he sees the Speaker Ban Law as a possible reactionary trend in North Carolina higher education.

Further, I can tell you that the problem of the Speaker Ban Law comes up in countless conversations on our campus and that there are indications of a restive spirit among the entire faculty.

To my knowledge this law has not yet caused us to lose any faculty members; they have believed the Legislature would amend or repeal it. If the law remains, there are indications that some of our best qualified professors will be attracted to institutions and states in which this restriction does not exist.

We at the University of North Carolina at Charlotte are particularly distressed over the possibility of the loss of accreditation. Let me give you the background of our situation.

The Charlotte campus retained the junior college accreditation which Charlotte College had achieved. The institution is now in the process of following the procedure prescribed by the Southern Association of Colleges and Schools for accreditation as a senior college. Because we already have junior college accreditation, we fit a category of institutions which can get early senior college accreditation. With continued improvements, it is expected that the University of North Carolina at Charlotte will be fully accredited in 1967 and that this accreditation will be retroactive to our first graduating class in June 1965.

Our students, our alumni, and especially our faculty, have been counting on this major development. Our faculty members have spent untold hours on a self-study which is a part of the accrediting process. It would be the supreme irony if at this stage, accreditation as a senior college were placed in jeopardy. Mr. Chairman and Members of the Commission, we on the Charlotte campus of the University believe that true education requires the student to be able to examine all teaching and we believe further that the superiority of the democratic system over the totalitarian systems will be self-evident upon examination under free inquiry, we, therefore, ask that the hindrance of House Bill 1395 to the exercise of traditional academic self-discipline be removed. Thank you.

Dr. Friday: Thank you, Miss Cone. Mr. Chairman, Chancellor Otis Singletary is away serving his country as Director of the Job Corps this year, and in his place we have Dr. James Ferguson, who is serving as Acting Chancellor, and doing so with a high sense of dedication and good results, and I am glad to present him and pleased to present him to you to make a statement on behalf of the Greensboro campus.

Chancellor James Ferguson: Mr. Chairman, Mrs. Swindell, and gentlemen of the Commission: Much of what I have to say will be a reaffirmation of what my colleagues have said but in speaking of the effects or potential effects of the Speaker Ban Law on the University of North Carolina at Greensboro I shall unavoidably be dealing in part with intangibles - intangibles such as faculty and student morale and standing in the educational world. These terms may be intangible but nevertheless they are realities affecting the health and intellectual vigor of our school as surely as an abstraction like "good will"

influences the strength of a business enterprise.

Faculty morale at the University in Greensboro has been adversely affected by the Speaker Ban Law. Our teachers and administrative staff see it as a measure requiring the abandonment of a principle that is fundamental to sound education, namely, dependence in the search for Truth upon free and open investigation with an honest confrontation of all relevant facts. Our people have confidence in the power of Truth to assert itself. As pointed out previously in these hearings, Thomas Jefferson embraced this principle when in his first inaugural address, he spoke of "the safety with which error of opinion may be tolerated where reason is left free to combat it."

Democracy has its soundest and most reliable defense when the individual citizen develops his own inner capacity to cope with error by meeting it with critical judgment. Academicians have little confidence in the long-run effectiveness of growing spoon-fed scholars under the artificial conditions of an intellectual hot house.

This precept is as fundamental to scholars as the Hippocratic Oath is to physicians. To deny educators the right to follow this rule is to reduce their ability to fulfill their obligations to society. It is difficult to teach young people that the American system calls for toleration of dissent when one is engaged in a contrary practice. As the proverb goes, "Your actions speak so loudly I cannot hear what you say." It is important to keep the quest for knowledge unrestrained. I join with my colleagues in asserting that the strongest defense against totalitarian Communism is a free university.

Morale on our campus has been adversely affected by the distrust of educators that is implied in the Speaker Ban Law and by the preemption of the authority of the Board of Trustees that is a practical effect of the measure.

If there were no question of accreditation involved, the conditions just described would affect our standing in the educational world and our effectiveness in recruiting faculty and students. With accreditation in jeopardy the problem is accentuated.

The problem of the Speaker Ban Law comes at a time that is especially crucial for the University at Greensboro. Under the Higher Education Act of 1963 our institution was made coeducational and elevated to full university status. It was charged with the responsibility of expanding enrollment and of developing more graduate and professional programs. By the fall of 1970 plans call for an enrollment of some 7,777 students as compared to last year's 4,249. All of this means that we must strive not only to retain our present faculty, but we must enter national competition to employ additional capable and creative scholars who will help us meet our obligations to the rising generation of young people. Our educational standing will inevitably affect our success in this nationwide recruitment.

Now admittedly up to this point I have been speaking of generalizations and you are interested in specific examples. There has been abundant evidence of faculty and student concern through resolutions and other forms of public expression, through letters addressed specifically to me or to President Friday or to Governor Moore as Chairman of the Board of Trustees. As early as October 22, 1963, in its first business session after the enactment of the Speaker Ban Law, our Faculty Council adopted unanimously a resolution deploring this legislation and asking that it be repealed or modified.

The most widely publicized expression of concern came on June 3, 1965, when 114 of our faculty members (we have 234 full-time teachers) stated in a letter

to the Chancellor that if accreditation should be withdrawn, they would be forced in the interest of their professional standing "to seek employment in institutions that are formally accredited and in which such a restriction as the Speaker Ban Law does not exist."

There has been considerable misunderstanding of this letter. A careful reading of it shows that it was no petulant threat to walk out if the 1965 General Assembly did not repeal the Speaker Ban Law. Instead, it expressed the group's considered professional judgment that loss of accreditation would lead to steady deterioration of academic quality thus negating the professional satisfactions of these people in the North Carolina setting. Signers included persons who have taught on the Greensboro campus for more than three decades. In general, those signing the letter represent an authentic cross-section of our faculty.

We have lost some faculty members but in the absence of specific statements to the point and because decisions to move are based on multiple factors, we cannot know to what extent the Speaker Ban Law influenced the thinking of those leaving.

The same statement would apply to persons that we have been unable to recruit for our faculty. However, we are in communication with a scholar of national reputation who indicates that he is disposed to accept our offer of a position but is withholding his acceptance until he can see whether the Speaker Ban Law will be modified.

There is little evidence that our enrollment has been affected to this point. However, at the time that initial publicity was given to the jeopardy to our accreditation our Admissions Office received telephone calls from distraught applicants or their parents seeking more complete information

about the imminence of disaccreditation, and two weeks ago we received a cancellation of enrollment for one of our former students, her father giving as one reason for her withdrawal "the current atmosphere arising from the so-called 'speaker ban.'"

Student consensus was reflected as early as October 30, 1963, when the Student Legislature on our campus deplored House Bill 1395 and asked that its restrictions be removed. The 1964-1965 Student Legislature reaffirmed the action of its predecessor.

Mr. Chairman and Members of the Commission, these are the evidences of damage of the Speaker Ban Law to the University in Greensboro. Some of them are immediate and some potential. It seems evident, though, that at a time when higher education is supplying the key to technological, professional, and cultural adjustment to the modern age, and there is a dramatic shortage of qualified personnel, North Carolina cannot afford to ignore this threat to the welfare of her educational system.

Dr. Friday: Thank you, Dr. Ferguson. Now, Mr. Chairman, I should like to present Chancellor John Caldwell, who is well known and highly regarded in North Carolina, and he has given much thought to the impact of this legislation on the University, and I present him now to give you his considered and I believe highly important judgments on this matter. Chancellor Caldwell...

Chancellor John T. Caldwell: Thank you President Friday. Mr. Chairman and Members of the Commission:

Personnaly and professionally I not only appreciate but cherish this opportunity that I have to speak on behalf of North Carolina State University on the subject of this Commission's study. It will be difficult for me to add much to what has been said, but I don't want to miss my chance to

say what I deeply believe.

The persistent questions raised by House Bill 1395 are of great and fundamental importance. Opposition to the law which has come so strongly from the academic community needs desperately to be understood by the people of this State.

House Bill 1395 appears to be a good law, one that all Americans - businessmen, parents, taxpayers, Legionnaires, and professors - should join in supporting. It is obvious that the law does enjoy much vocal support. After all, its purpose presumably is to strengthen the security of America against the Communist conspiracy.

So the question of why we oppose the speaker ban law must be dealt with - and forthrightly. The answers can range from the very idealistic to the very practical arguments and they are intertwined as to why the law will hurt the University. It is the latter point to which your Chairman has asked us to respond. His question is: "Has the speaker ban law injured your institution, or will it probably do so? And, why?"

The importance of the quality of North Carolina State University to the development and prosperity of this State makes the answer to these questions important.

This law was passed in June 1963. Because of the prompt and vigorous stand of the University Board of Trustees and others taken in opposition to the law and the fine reputation of this State for sound and progressive thinking, it has been possible to give both present faculty and prospective faculty members some hope of ultimate relief. Thus the immediate negative effects of the statute on the institution have been somewhat mitigated. On the other hand, during this period of more than two years, the strongly expressed opposition of our Faculty Senate coupled with certain events which have

transpired make it clear to us that North Carolina State University will be diminished year by year in the quality of its faculty, and hence in its basic competence and standing, if relief from the speaker ban law is not found. Let me describe two or three events which have already been well publicized.

One of the world's recognized scientists, a biologist-mathematician-statistician, Professor J. B. S. Haldane, had been invited to speak on our campus and had accepted. Because we knew of his editorial association with the Communist Daily Worker in London during the 1940's, the passage of House Bill 1395 compelled us to inquire of him as to his eligibility to speak here. He had been invited because of his scientific knowledge and not because of his political leanings or orientation. His reply was typical of this eccentric anti-conformist, not just a non-conformist but an anti-conformist, nevertheless brilliant scientist, an indignant refusal to answer our question as to his membership in the Communist Party. He then substituted lectures at two other leading American universities for the dates we had to give up.

At a scientific meeting in Geneva held a few weeks later Dr. Haldane stated unequivocally to one of our representatives that he was not and never had been a member of the Communist Party. But this is now beside the point. This man has already passed away, and an opportunity for students and faculty is no more. We have no way of knowing how widespread became the knowledge that North Carolina doesn't care if its University campuses miss the opportunity to hear an internationally famous scientist.

It might be easy for some to say "good riddance." It might be easy for some to say that we should not be embarrassed. It might be easy to argue that our students and faculty are now no worse off than the thousands of others in the world who have not had the privilege of coming into contact with Dr. Haldane, one of the world's superior scientific minds. But it is not that

easy. We were embarrassed for our University and for our State.

Let me describe a second situation, Mr. Chairman. The National Academy of Sciences, following policies of the United States Government and at the request of our Government, arranges exchanges of scientists between this country and Soviet Russia. We are periodically invited to nominate scientists from our own campus who might be sent to Russia to lecture and work with their scientists for several months. But we are advised by the National Academy of Sciences, if we submit nominations, to be prepared to be hosts to Russian scientists who are sent in exchange to this country. Consequently we do not nominate professors from North Carolina State University for this experience although their participation might add much to their own knowledge in their scientific fields and their knowledge of Russia and therefore to the total pool of knowledge in this region.

Another example, on September 30, 1963, the head of our Department of Applied Mathematics wrote me for guidance. His letter follows:

"Dr. McDonald and I have been asked by Dr. A. H. Church, Visiting Professor in the College of Engineering at Duke University, to cooperate with that institution in a visit by a Soviet Scientist. Dr. V.V. Sokolovskiy is a member of the Academy of Sciences of the USSR and is an authority in elasticity, plasticity, soil mechanics, and applied mathematics in general. The National Academy of Sciences has arranged for him to visit and to give seminar lectures at Brown, M.I.T., Harvard, Duke, Stanford, University of California, UCLA, and New York University... Is there any reason why he should not visit this campus to meet only with a few faculty members for a discussion restricted entirely to technical questions in science and engineering?"

I responded as follows:

"My answer to you is that you are permitted to cooperate with Duke University in having the Doctor Sokolovskiy visit this campus for the purposes which you have indicated. In attempting to comply with the statutory restriction under which we are now operating, I must admonish you against any public invitation to the students and faculty to attend any meeting with this visitor. Your guest list should include without any question whatever faculty members who may have an interest in meeting him and exchanging ideas in their fields with this gentleman. You have my permission to do so. I deeply regret that this man's knowledge cannot also be made available to our advanced undergraduate students and graduate students who have an interest in his field."

Is it any wonder, Mr. Chairman, that our Faculty Senate has unanimously viewed this legislation as a "dangerous precedent" and "with genuine alarm!"

Now, again, why are our scholars embarrassed by this law and why do they so earnestly desire its repeal? Is it because they are weak-minded, "soft on Communism," living in the clouds? Of course not. Are they strangers to North Carolina? Indeed not. Some of the strongest expressions of feeling have come from members of our faculty who were born on the farms and in the towns of this State and were educated here. Their roots in North Carolina are deep and their devotion is real. They and others of our faculty have served their country magnificently in the wars and stand ready to do so again.

Then what is it that needs to be comprehended about these teachers and their deans and chancellors and presidents? Are there sound reasons entirely patriotic which the "man on the street," if he understood them, could accept as sufficient explanation of why this University would be hurt and therefore why this law ought to be removed?

Mr. Chairman, I shall try to state these reasons in as clear a form as I know how. We simply do not wish to be left in a position of having to inquire into the political membership or past actions of prospective speakers or of being required to exclude any prescribed category of speaker, for this requirement and this procedure deprives the University and deprives the people of North Carolina of the privilege of operating in the confident sunshine of a great and free nation, the United States of America, and instead compels us to adopt the cloudy, repressive attitudes and procedures of a fearful, totalitarian society.

Passage of the law was undoubtedly pointed toward protecting North Carolina college youth from the subversive arguments of Communism, a laudable motive.

But it has the side effect - intentional or not- of indicating on the part of the legislature a lack of faith in the processes of free speech, a lack of appreciation of the stability and good sense of the students in our colleges, and a distrust of the motivations and judgment of trustees and officers of public higher education in our State.

Already the existence of this restrictive law is common knowledge in the world's community of scholars who ask "what's wrong with North Carolina."

This is what hurts our University. This is what is offensive to us.

We are not just educators and professors urging respect for an ancient privilege of "academic freedom," which many citizens say arrogantly they are "sick of hearing about." We are not only academicians. We are Americans, proud of our country, proud of the freedoms which have made it "the last best hope of earth." The nature of our very profession requires intellectual freedom and hence makes us peculiarly attentive to this principle of liberty our nation has cherished. Because our commitment to liberty is so clear, let every other American and North Carolinian value and respect our outspoken determination to fight for it. Do not require us, we beg, to arrange curtains or to try to protect the elemental strength of truth against some alien wind. Are the fundamentals of our nation so feeble? Are our principles so flimsy? Are our achievements so obscure? And if one type of breeze is peculiarly dangerous to us at one time and place, may not one from another direction be so at another time? And then another? Will more curtains and walls be added? How thick and how high? And to what end?

Mr. Chairman, still another concern is on our hearts and minds, and it has not been mentioned here.

The world including all of us is faced with the capacity for human annihilation. Confronted with this capability, only imprudent and woefully insecure people build walls to obstruct understanding. If we are interested truly in the very survival of man in all his glorious potential, then we most

surely should be finding ways to tear down walls, not to build new ones.

Because the academician believes in a free America and is not careless with freedom, because the academician places his confidence in this nation and feels the nation is threatened when its principles are violated for whatever reason or logic, you can expect that the more sensitive, frequently the ablest of this country's scholars, will shy away from the fearful, restrictive environment of curtains and walls. This is why House Bill 1395 has initiated a slow but sure deterioration in the personnel, in the spirit, the scholarship and ultimately the standing and reputation of your University and with it will diminish the outstanding reputation of the State of North Carolina.

We are supposed to know, whether we do or not, what is required to build and maintain a university of first rank and what will hurt it. If the proponents of the speaker ban law think we are too theoretical in our arguments, too "academic," if you please, then let it be known that this theory and this position we hold are founded squarely in a confident "one hundred percent Americanism," an Americanism which despises Communist totalitarianism or any other kind, an Americanism which respects the intelligence of man with which we deal, respects the patriotism and honest minds of our students with which we deal, and respects the sure strength of truth against the spurious falsehoods that will always challenge it.

Our love of country, Mr. Chairman, is matched by our confidence in all the basic principles which have made it great and without which its place in history might have no further meaning.

Dr. Friday:

Mr. Chairman, in concluding the presentation of the administrative officers, let me say that we have endeavored

to present the policies of the University that have a bearing on the Speaker Bill, to show that the Board of Trustees has been diligent, that they're fully informed and that they're active in the management of the University, and to show that in our sincere judgment the best means we have of combating the Communist conspiracy is by being a strong and a free University.

I know I speak for all of my colleagues in thanking you for your patience and courtesy. I shall now return this chair to Mr. Frank Taylor, who, along with Mr. William Medford, have two brief statements to add. We will be ready to answer any questions after that.

Chairman Britt: Mr. Taylor and Mr. Medford will please come to the platform.

Mr. Taylor: Mr. Chairman and Members of the Commission, I now present the Honorable William Medford, who was Chairman of the Special Committee of Trustees and whose report is referred to on several occasions--and will be later. Mr. Medford.

Chairman Britt: Mr. Medford, you are recognized.

Mr. Medford: Mr. Chairman, Mrs. Swindell and Members of the Commission, the Trustees welcome this opportunity to make their position clear on the Speaker Ban Law. I will first give you the formal action taken by the Trustees in connection with this Law as it is embodied in a report made by a Special Committee of the Trustees in May, 1965. This is this formal report:

"On October 28, 1963, the Board of Trustees, after full discussion and debate on House Bill 1395, as passed by the 1963 General Assembly unanimously approved a resolution to the following effect:

'NOW, THEREFORE, BE IT RESOLVED:

- '1. The Board of Trustees of the Consolidated University of North Carolina deplores this legislation as a departure from the tradition of our State.

- '2. The Chairman be directed to appoint a special committee of fifteen members of the Board to determine and implement measures to remove this legislation impairing of the intellectual freedom and preemption of the authority and prerogatives of the Board of Trustees.'

"Pursuant to this action Governor Sanford, on October 21, 1964, appointed the following trustees to serve on this special committee:

Victor S. Bryant
Henry A. Foscue
Mack M. Jernigan
D. L. McMichael
Thomas J. Pearsall
Cameron S. Weeks
Hill Yarborough

Percy B. Ferebee
W. C. Harris, Jr.
Mrs. Albert H. Lathrop
R. D. McMillan, Jr.
Thomas B. Upchurch
Mrs. George D. Wilson
William Medford, Chairman

"This committee has held four meetings. Faculty, student, and administration opinion have been sought and thoroughly considered. Recent action by the legislature in five other states rejecting similar legislation has been observed by the Committee. These states were Ohio, Florida, Georgia, New Hampshire and recently Alabama.

"Despite a clear preference for outright repeal, the Committee concluded on January 8, 1965 that amendment of the Act was a more practical objective to pursue. The desired amendment would uphold the authority of the Board of Trustees in this area of their responsibility.

"This Special Committee recommends, therefore, that House Bill 1395, of the 1963 General Assembly, be amended as set forth in the attachment.

In the attachment we recommended that the, that Section 116 and 199 of the General Statutes be amended as follows: I will first read the law as it was originally enacted.

No college or university which receives any state funds in support thereof shall permit any person to use the facilities of such college or university for speaking purposes who (a) is a known Communist; (b) advocates the overthrow of the Constitution or the State of North Carolina; or (c) has pleaded the Fifth Amendment of the Constitution in refusing to answer any question with respect to Communists or subversive connections, etc.

We recommended that this be changed as follows:

The Board of Trustees or other governing authority of each college or University which receives any state funds in support thereof shall have full power and authority on all matters relative to the administration of such college or university, and shall adopt regulations governing the use of facilities of such college or university for speaking

purposes by any person who is a known member of the Communist Party, is known to advocate the overthrow of the Constitution of the United States or the State of North Carolina or has pleaded the Fifth Amendment to the Constitution of the United States in refusing to answer any question with respect to Communists or subversive connections or activities before any duly constituted legislative committee, judicial tribunal, or any executive or administrative board of the United States of America.

"This action is taken in accordance with the directive of the Board of Trustees 'to determine and implement measures to remove this legislative impairment....and preemption of Trustee authority.'

"We respectfully submit our conclusions and recommendations to the Chairman of the Board of Trustees for implementation in the 1965 session of the General Assembly.

"In this Committee's considered judgment failure to act promptly will result in deterioration of faculty and student morale and the loss of and respect for the standing of the University in American higher education.

"Because of this law the accreditation status of every public institution of higher learning in North Carolina is in jeopardy. Unless action is taken promptly to restore trustee authority, we believe that accreditation will be lost, with the consequence that the credentials and status of every graduate of our institutions, professional and otherwise, will be affected.

"The existence of this law is certain to reduce the attractiveness of the University to men and women of the learned world we must draw to our faculties.

"North Carolina can ill afford ever to relegate its higher education, long distinguished in the Nation and cherished by its citizens, to a position of diminished competence and esteem."

The Board of Trustees, at its May meeting, adopted and endorsed this report. I would like to emphasize here that this Special Committee would have preferred outright repeal, but our recommendation of amendment was made in an atmosphere of political practicality. We felt that if the control of the visiting speakers could be returned to the Trustees as a part of their function in the operation of a great University, the serious effects of this Law could be avoided. Now, Mr. Chairman and Members of this Commission, I am sure that

all of you are fully aware of how members of the Board of Trustees are selected. You all know that the Law provides for a Board of one hundred Trustees, to be elected by the General Assembly of North Carolina for eight-year terms. One-fourth of this number is selected at each session of the General Assembly. It is inconceivable that the General Assembly would select anyone as a Trustee who is a communist or who is even soft on communism. Many of us have served terms in the General Assembly, and apparently all of the Trustees are selected by the General Assembly on the basis of our understanding of higher education and its functions in a modern civilization, and on the further basis of our willingness to give of our time and ability, such as we have, in directing the affairs of the great University. The Trustees know, have known through the years, that the University has become great, a great force in American higher education, because it has maintained an atmosphere of intellectual freedom. North Carolina has become great because it has been a State that has been devoted to the principles of democracy. It has been devoted to the principle of freedom. The Trustees, being a cross-section of the population of North Carolina, is but a reflection of the feeling of the people of North Carolina. If the Trustees did not object to this Law, they would not, I believe, be doing their duty as Trustees to this outstanding institution that they were selected to direct. I will admit, however, that it is difficult at times not to be stampeded, not to lose our head, not to lose our sense of direction, in the midst of the emotional atmosphere in which charges are being made. In concluding, I would like to repeat here that the Trustees have gone on record as favoring at least the amendment of this Law to return the control of visiting speakers to the Trustees. They have full confidence in the University administrators who have appeared before you today,

and who have spoken so eloquently for the function of higher education in North Carolina, and, if you please, a free America. They have the full support of the Trustees.

Mr. Taylor: Mr. Chairman and Members of the Commission, last week there was a meeting of the Executive Committee of the Board of Trustees, and at this meeting the following was adopted. Mrs. Lathrop moved the adoption of the following statement by the Executive Committee, the motion was seconded by Mr. Bryant and Mr. Hill, and the statement was adopted as a Resolution:

"Since passage of House Bill 1395, questions have arisen concerning the policy of state-supported institutions with respect to visiting speakers. The Board of Trustees of the University of North Carolina shares with all North Carolinians a high devotion to this nation, a commitment to the freedoms guaranteed to all citizens under the Constitution, and a firm belief in the strength and purpose of our democratic society. It is equally committed in its opposition to every form of totalitarianism, which in our time manifests itself particularly as the Communist conspiracy.

"Strong universities are essential to the nation's survival against external powers in this age of recurring crises. The modern defense of freedom depends so much upon knowledge that universities play a new and crucial role in national survival. The strength of the university and the freedom for which the nation stands are complementary and essential to each other.

"As an institution of higher learning founded in the spirit of the American Revolution, the University of North Carolina has a long-established tradition of free and open discussion in the search for truth and new knowledge. Thus, the University Code provides: 'It is the policy of the University to

maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication....' It has never been the position of the trustees or administration of the University that the overthrow of the Government by force, violence, or other unlawful means should be taught or advocated on any of the campuses of the University of North Carolina.

"The University recognizes and accepts on each of its campuses the duty to uphold State and Federal laws which prohibit the advocacy of overthrow of the government of the United States or any of its political subdivisions by force, violence, or other unlawful means, and, particularly those State laws which prohibit the use of public buildings for the purpose of such advocacy. This duty has been and will continue to be met.

"The Committee therefore reaffirms the action of the Board of Trustees in the adoption at its May, 1965 meeting of the report of the Special Committee chairmaned by the Honorable William Medford, himself a former member of the State Senate.

And may I make one final statement, a personal statement. I have been on the Board of Trustees of the University for a long time, perhaps have served longer than any other present member. I have seen them confronted with various problems, important problems, from time to time. I have seen the operation of the Administration as it has changed many times in recent years, and I think I can assure this Commission with utmost confidence that there is not a single member of the Board of Trustees, and never has been so far as I know, and not a single member of the Administration who has the slightest sympathy for communism, who would not fight it at all times and under all circumstances, and who cannot be trusted by this Commission. All members, as stated by Mr. Medford, are fine citizens. The same is true with other institutions of

learning. The Trustees are fine citizens. Our Board has several members who have been former members of the General Assembly, some of whom are now still members, and I assure you that the welfare of the University of North Carolina and the welfare of the people of this State will be amply protected if this is referred back to the Trustees, where it traditionally has been. It cannot be that we should adopt permanently a leaf from the communist book which has established a wall against others coming in and expressing themselves there. Shall we adopt a leaf from their book in order to accomplish what we want to accomplish in fighting communism? I do not believe it should be. I do not believe that this Commission would condone any act which will so seriously hurt the public institutions of this State, and I assure you that we believe that the future of these institutions is in good hands, and we implore you to hear, to remember, and to read again all that has been said by these administration members, who are so sincere in their purpose and who are of the highest type of citizenship in our State. And with that, Mr. Chairman, let me thank you and the Commission for having been so patient this morning in giving us ample time to present this cause as we see it.

Chairman Britt: Thank you very much, Mr. Taylor and Mr. Medford. I would like to say at this time that we hope that both of you, as well as President Friday and the Chancellors, will remain and come back at the afternoon session to begin at two o'clock. We have an out-of-town or out-of-state personality to appear at two o'clock. I hope it will not be long; and as soon as that appearance is over with, then I would like for members of the Commission to feel free to ask President Friday, the Chancellors, Mr. Taylor and Mr. Medford such questions as they desire. I would say this to those of you who are here

on behalf of our other colleges in the State. I know that you are very busy people; do not be alarmed that we may not finish today. As far as I am concerned, and I assume that I speak for the entire Commission, we are prepared to stay until six o'clock or 6:30, ever how long it takes, to accommodate you today and to let you return to your places of service.

Colonel Joyner: Can you ask Mr. Taylor if he has--can give to the Committee copies of this written statement?

Chairman Britt: Mr. Taylor, do you have a copy--do you have copies of the statement that you have just made to the Commission which you could provide with the members?

Colonel Joyner: Frank had a record of action.

Chairman Britt: Mr. Taylor, do you have...

Mr. Taylor: I have a record of the action that was taken.

Colonel Joyner: That is what I was--we want the record of the action.

Mr. Taylor: I will be glad to give you the record.

Chairman Britt: Well, the record is what we are interested in. We would like to have that delivered to the court--to the reporter over here, please sir.

Mr. Taylor: I'll just give you this copy and let....

Chairman Britt: That will be fine, if you will just give it to her that will be fine.

Folks, thank you very much for your patience and we will now recess until 2 o'clock promptly.

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina
Wednesday, September 8, 1965, 2 p.m.

HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina
Wednesday, September 8, 1965, 2 p.m.

Chairman Britt: The afternoon session of the Commission hearing will now come to order. First on the program this afternoon, we will hear from Dr. Frank Graves Dickey, Executive Director of the National Commission of Accrediting. Dr. Dickey assumed his duties as chief administrative officer of the National Commission on Accrediting on July 1st of this year. He is a native of the State of Oklahoma. He, at an early age, moved to Kentucky, where he received his formal education, attended the University of Kentucky. He received post-graduate work at Harvard, then returned to the University of Kentucky as Professor, as Dean, and later as President of that institution. He served as President there for a number of years and then went to Atlanta as Director of the Southern Association of Colleges and Schools. He left Atlanta in July of this year, I believe it was, and went to Washington, and assumed his present position. At this time, we recognize Dr. Frank G. Dickey to make a statement, after which he will be subject to questioning by members of the Commission. Dr. Dickey, we appreciate your presence and we'll now hear from you.

Dr. Frank G. Dickey: Mr. Chairman, Members of the Commission: May I first of all express my appreciation for the invitation to meet with you today and to discuss a most important problem which affects not only our programs of education, but I think also our economy and well-being. Before presenting some points of view, however, let me make it perfectly clear that my remarks are directed solely at the area of jurisdictional concern and not at the problem of academic freedom. I note with real interest that you have discussed in great detail the problems of academic freedom, and, while I have some very firm convictions regarding academic freedom, I wish to address myself to the area that I think must come first in the consideration of this Study Commission.

In my judgment the matter of first magnitude is that of providing one group of policy-makers for the institutions of higher education in North Carolina, and that policy-making body should be the governing board for higher education -- and unless the board has the authority to make policy decisions the accreditation of institutions of higher education will be endangered.

For a group as knowledgeable as this one I do not think that I need to go into great detail about the need for quality education. I think that we can all agree that we are rapidly changing from an economy based on agriculture to one based on manufacturing and processing. Industry must have well-trained scientists, engineers, and businessmen of its own; it must also have highly trained technicians and skilled labor, but it must also have strong support in its immediate geographical community from universities, libraries, basic and applied research organizations; good elementary and secondary schools; good technical, vocational, and trade schools; and it must have available academic facilities to provide advanced training to the master's and doctoral level degrees. As I have indicated, these institutions of quality must be available within the state and not four or five hundred miles away. Industry must be able to attract, to hold, to stimulate, to up-grade and to up-date competent brainpower.

Only through the improvement of the quality of education -- more adequate support, better prepared instructional personnel, better equipment, and more adequate buildings -- can we have higher incomes and better communities. North Carolina has exhibited unusual leadership in the improvement of education in the past decade. In fact, I would go so far as to say that it has shown greater imagination and more leadership than practically any state in the nation. It would be a real tragedy if anything should be done which would cause your state to lose the ground which it has gained.

Now, to turn more directly to the problem of accreditation, let me say that most of the countries of the world have ministries of education in their central, national governments which exercise almost complete control over the various school units in the particular educational system. In sharp contrast with that pattern the United States has no ministry of education, and the federal government has left to the states and the local communities the lion's share of the control of education.

Because of the dispersal of jurisdiction over the schools of the fifty states, there is opportunity for the institutions to differ greatly in quality. In order that some standards may be maintained, without resorting to federally imposed standards, the procedure of accrediting has been developed. This process of accreditation is a unique feature peculiar to education in this nation alone. Because it has no counterpart elsewhere in the world, visitors to this nation find it difficult to understand the idea of accreditation, and many of our own citizens have only a vague notion of the purpose and the operation of accrediting agencies.

Accreditation may be defined as the process of applying a hallmark or a stamp of quality to an institution, signifying the level of excellence which it has attained or indicating that it has been found to be meeting and maintaining standards previously agreed upon. The basic purpose of the Southern Association of Colleges and Schools and the other regional accrediting agencies has been the improvement of the quality of education. It seems pertinent to add here that one of the standards which every regional accrediting association has is that the governing boards of the member institutions should be provided and guaranteed the power to serve as the policy-making bodies for those colleges or universities. May I add that this is a most significant point, as I think you can

understand. Any organization as large and as complex as our institutions of higher education cannot have two or three different policy-making groups and still operate effectively. The constitutions and laws of our various states have provided for governing boards for our colleges and universities, and we should adhere to the provisions which have been made.

In the case of the Southern Association the function of accreditation is carried out through an eleven-state area and in relationship to the member schools and institutions, which include over 400 colleges and universities, 2,600 secondary schools, and over 3,000 elementary schools. The Southern Association is also responsible for accreditation of institutions and schools in Latin America which desire accreditation for purposes of transfer of students.

May I point out that the Southern Association is not some amorphous group or organization made up of 'outsiders' who come in to tell an institution or a state what to do and what not to do. It is rather a voluntary organization made up of representatives from institutions, over the southern region institutions, including those of your state and similar institutions over this region.

As the importance of education for economic, social, and vocational reasons has grown; and as the number of individuals enrolled in higher institutions has mounted; as the institutions themselves are providing more services to and are seeking more funds from different groups of individuals, colleges and universities have become a matter of increasing importance to all segments of society. In view of the political traditions and heritage of this country, it is important that there be sufficiently strong forces in education itself to counterbalance those influences that could conceivably subvert a school, a college, or a university from its true goals.

In many cases, the mere presence of a regional association alert to these possibilities is sufficient to serve this purpose well. When official recognition of a bad situation is needed, usually quiet admonition by the accrediting association suffices. But on other occasions public attention is required, especially when political interference is involved.

To summarize this point, the protection of schools, colleges, and universities against educationally and socially harmful pressure is one of the major responsibilities of an accrediting association, and it is one which no other organization is equipped to handle.

On a few occasions, when the Southern Association has felt compelled to act -- when an institution's integrity and autonomy have been threatened, there have been a few voices raised in protest against the need for regional accreditation at all. At these times some have clamored for a system of state accreditation only. I think that it is necessary to point out that free institutions would soon smother in such an environment, for most of their communication and rapport with the outside world of intellect would be lost. Certainly, state accreditation can and does serve a valid purpose and is very effectively utilized by many states to improve education; and it affords recognition of good institutions within state boundaries. But in practically every case, accreditation by a state agency, whether political or non-political, is closely coordinated with the efforts of the regional association to recognize and support sound educational endeavors. In many instances, state accreditation has been organized and structured to serve as a stepping stone to or preparation for regional accreditation. This kind of state accreditation is desirable, but it is totally different from the concept of "state accreditation only," which can hang like an ivy curtain thick enough to bar the entry into the classrooms of all ideas and people except those deemed worthy by the power center of the individual state.

The best type of relationship which can exist is one in which the regional accrediting association recognizes the place and value of the state departments of education and the other organizations such as the N. C. Association of Colleges, which assist the State Department of Education and, in turn, the state departments understand the need for and the unique role of the regional accrediting agency.

When we object to outside interference in the affairs of colleges or schools, we do not mean political interference only. Frequently, institutions are subjected to unusual or extraordinary pressures from local communities, citizens groups, church groups, even professional organizations. The Southern Association and all other accrediting agencies will always be concerned when institutional integrity and academic freedom are threatened by forces originating from any of these sources.

It should be pointed out, however, that we are not trying to stifle the normal criticism or pressures brought to our schools and colleges. Many groups and organizations have the responsibility to make themselves heard in the affairs of the institutions with which they are concerned. This is as it should be. Such pressures are expected and are healthy as long as they are within the group's or organization's jurisdiction and do not clash with the stated purposes of the institution or with the areas already reserved through law for other groups such as the governing boards. However, interference in the affairs of institutions from any of these sources is an entirely different matter, and interference should not be confused with the terms "normal pressure," "interest," or "concern."

In addition to the regional associations there are a number of professional associations which accredit programs within institutions. For example, we have associations which accredit engineering, colleges of

business, the law schools, the medical schools, the programs of nurse education, and a host of other professional fields. These professional agencies are coordinated by the National Commission on Accrediting, an organization which represents over 1,300 institutions of higher education in their accrediting relationships.

The question has been raised as to what effect the loss of accreditation by the Southern Association or any other regional association would have upon the accreditation provided by these professional groups. In order that we might have such information readily available, a study was made by the National Commission on Accrediting several years ago, and the professional accrediting agencies were asked to indicate what their courses of action would be if an institution or a system of institutions should lose their accredited status in the regional association. I think that it will be of interest to you to know that of twenty-three professional organizations responding, three would immediately drop the institutions from their accredited list if the regional association had dropped these institutions. These areas include: engineering, landscape architecture, and nursing. Nine others of the professional organizations would have an automatic review of the situation, and the possibility of removal from accredited status would be most likely. These include: journalism, library science, medicine, music, optometry, pharmacy, psychology, theology, and architecture.

Six other fields have indicated that they would in all probability review the case and take action since their regulations require regional accreditation if the school is accredited in a professional field. The reason that these six associations are not as positive in their action results from the fact that they have not been confronted with such a

possibility and have nothing definite in their constitutions or by-laws indicating the procedures which would be taken. These six fields are: business administration, forestry, public health, social work, speech pathology and audiology, and teacher education.

Several other professional fields have indicated that their present regulations are not definitive enough to show clearly what their actions would be. These include: art, chemistry, dentistry, law, and veterinary medicine.

My reason for citing these individual fields is to indicate that loss of accreditation in the regional association has a direct bearing on the accredited status of institutions in the professional fields as well. The reason for this tie-in results from the conviction on the part of the professional areas that the total institutional accreditation provided by the regional association is the only guarantee that they (the professional associations) have of the strength of the college or university as a totality.

In conclusion, may I say that the idea of voluntary accreditation is of extreme importance. There is no society in the world with which I am acquainted which has any pretensions to sophistication that does not have some form of applying standards to education. But ours is the only society on the face of this globe where accrediting is voluntary and non-governmental. Nation-wide standards as formulated by the professional organizations are not only desirable but they are necessary today in this period of great mobility. If we do not have voluntary accreditation, then some other form of accrediting will be developed -- and it would come quite rapidly.

Why, then, do I believe that voluntary accrediting is so much superior to federally imposed standards? It is important because voluntary respon-

sibility is a fundamental characteristic of the society of which we are a part and to the preservation of which we are dedicated. Voluntarily assumed self-discipline is basic to our way of life. A free society stays free only as far as and as long as the individual citizens or its individual institutions are willing to assume the responsibility for self-discipline.

It has been my privilege for over twenty years to have been connected in one way or another with accrediting procedures and bodies -- first as a working member of various committees and commissions of the regional association; then as the president of a member institution involved in a number of accrediting groups; then as Director of a regional association; and now as Executive Director of the National Commission on Accrediting. In each of these relationships I have become increasingly convinced that accreditation is a positive force in American education. I know the convictions which the men and women who are members of these organizations possess. I know that they will act only when they are convinced that education, the students, and society will suffer if they do not act. They do not act capriciously, but they will act. I am not a clairvoyant, and I absolutely will not try to predict what action may be taken in this situation, but if previous cases are any indication, I should say that never has a regional association moved this far and failed to take some kind of action if the situation to which they have directed their attention has not been remedied.

I do not wish to alarm you needlessly, but I can assure you that the eyes of professional educational groups are focused upon North Carolina now. I cannot help but believe that businesses and industries are also concerned, because they are not interested in investing and spending their resources in states or communities where the standards of educational quality are not

guaranteed to some extent. It is my feeling that the forces in this state must unite to find a solution to this problem and thereby protect the gains which you have made. Let me say that accreditation may not be the answer to all our problems in education. It may even create some problems itself -- as I think you would agree now -- but thus far, it is preferable to any other means of control or governance of the total field of education. It would be my hope that you would keep in mind the alternatives to accreditation as you consider the possible solutions to this complex problem with which you are dealing. Thank you.

Chairman Britt: Thank you, Dr. Dickey. And now we invite questions of Members of the Commission. Senator Hanes do you have a question?

Senator Gordon Hanes: Yes, sir. Dr. Dickey, there is something here I don't understand and possibly some of the others don't either. Chancellor Cone, of the University of North Carolina at Charlotte, which has only been in operation now for a few months, in her statement says, "With continued improvements it is expected that the University of North Carolina at Charlotte will be fully accredited in 1967 and that this accreditation will be retroactive to June, 1965." Is that a usual procedure?

Dr. Dickey: This is a procedure which has been developed in recent years in order to protect students who are involved in institutions which are just beginning their work, or which have advanced their programs from a junior college to a senior college level. In other words, the process of making such accreditation retroactive is to make it possible for the student who graduates before the institution has had the opportunity to meet all of the criteria for accreditation, for that student to remain unpenalized by having graduated prior to that time.

Senator Hanes: In other words, the class of 1965 will be graduates of an accredited university?

Dr. Dickey: This is correct, if all other criteria are met by 1967.

Senator Hanes: In other words, if the improvements required for accreditation are complied with between the time of their graduation and two years later?

Dr. Dickey: That is correct.

Senator Hanes: They will be accredited?

Dr. Dickey: That is correct. Yes, sir.

Senator Hanes: Well, then, if that is true, and if they have graduated from the institution in 1965 before the improvements were made, why is it necessary to make the improvements?

Dr. Dickey: Well, it's necessary to make the improvements to guarantee the long-range process of the institution and its programs, and perhaps improvements may not be the best way to term the process because an institution is more or less on trial during this two-year period as a kind of probationary period to determine whether or not it is really meeting all standards of accreditation. It would be hoped that every institution, regardless of how excellent it might be, would continue to improve all the time, so improvement in this sense of the word is involved; but as far as the accrediting procedure is concerned, the process really is one of taking a long enough time to take a good look at the institution and determine whether or not it would meet all criteria.

Senator Hanes: Maybe I can ask the question more specifically. If I am correct, I believe that the library is one of the factors involved in accreditation?

Dr. Dickey: That's correct.

Senator Hanes: Then, how is it that a student who has graduated from a university with a wholly inadequate library may later be deemed to have graduated from an accredited university because the library has improved two years after his graduation?

Dr. Dickey: I think I would have to say that a wholly inadequate library cannot generally be improved in a period of two years.

Senator Hanes: It can by buying books, can't it?

Dr. Dickey: Possibly so, but it's a longer process, as a general rule than that, and one in which more efforts and more funds need to be expended than normally would be available to an institution, so I think that the concept that the institution is undergoing a drastic change in a two-year period is an erroneous one, and the period of two years there is more for the purpose of reviewing all of the programs of the institution, to be doubly sure that they are operating as they should at the minimum levels of effectiveness rather than giving an opportunity for any correction of deficiencies.

Senator Hanes: Charlotte College, a two-year institution, in two years is going from a two-year college to a university. The requirements for the library of a two-year college, I would imagine, would be vastly different from those for a university?

Dr. Dickey: This is true, that there are differences in the holdings and the materials which would be needed for a library, but the process is one that is gradual enough that I think the institution can meet the standards without too much difficulty, and there is an additional factor involved here; that is that one must remember that this institution is now a part of a total system which will in turn lend strength and some of the background materials that would not be available immediately to other institutions which were not a part of the total system.

Senator Hanes: But this won't improve the teaching or the facilities or the library or the professorial standards of someone who graduated this past June? That's where you lose me.

Dr. Dickey: This is true.

Senator Hanes: This ex post facto accreditation is confusing.

Dr. Dickey: Well, the only reason for that is to protect the individual who is most involved in this--the student who, if he were not given this ex post facto, retroactive accreditation would certainly be at a loss; in other words, how would an institution ever make this transition and be able to guarantee to students the opportunity to move to other institutions or to have their work validated for transfer, and so forth, unless this were involved in the whole process. As I say, I think this is something that has come into being just in recent years. Prior to this time the students were drastically penalized as a result of this, and, perhaps as you have indicated, there may be some flaws in it, but from the point of view of the accrediting associations, it is preferable to give the student this benefit of the doubt than to penalize him for the situation over which he has little or no control.

Chairman Britt: Senator does that answer your question?

Senator Hanes: Yes, sir.

Chairman Britt: Any further questions?

Senator Hanes: No, sir.

Chairman Britt: Mrs. Swindell?

Mrs. Elizabeth Swindell: No, I have no questions.

Chairman Britt: Mr. Kirby?

Senator Russell Kirby: No, sir.

Chairman Britt: Mr. Zollicoffer?

Representative A. A. Zollicoffer: No.

Chairman Britt: Colonel Joyner has a question I believe.

Colonel William T. Joyner: I have one or two due to some doubts or questions raised in my mind from some information that you very kindly sent to me, and I was so interested in some of it that I requested that ten additional copies of certain documents be sent. They were sent and have been distributed to the Commission. Primarily, I wish you to identify those because I think it would be well to have them go into our record. I have one here, "National Commission on Accrediting, Constitution and By-Laws." That's a publication sent out by your organization?

Dr. Dickey: This is a publication of the National Commission on Accrediting.

Colonel Joyner: I have another one entitled "National Commission on Accrediting, Facts about the Commission." That also is sent out by your organization.

Dr. Dickey: This is correct.

Colonel Joyner: Another one that I was very much interested in is a pamphlet entitled, "National Commission on Accrediting, the Past and the Future, Historical Sketch and Annual Report, April, 1965."

Dr. Dickey: Yes, sir.

Colonel Joyner: Now, as information--and I think I may be saving the Commission some time--that pamphlet consists of two articles of some length. The first one is by J. B. Lon Hefferlin, Assistant Director, and that, I believe, gives a detailed history of the origin of your organization.

Dr. Dickey: This is correct, sir.

Colonel Joyner: And the latter part has an article, "The Future," by William K. Selden, Executive Director. Can you identify Mr. Selden for us?

Dr. Dickey: Mr. Selden was Executive Director of the National Commission on Accrediting, for a period of ten years. He left this position July of 1965 to accept the position as Vice-President of the American Assembly.

Colonel Joyner: You served with him as his assistant?

Dr. Dickey: I did not serve with him. I succeeded him.

Colonel Joyner: You succeeded him?

Dr. Dickey: That's correct sir.

Colonel Joyner: And can you say, in your opinion, that Mr. Selden is a man of experience, wisdom and soundness?

Dr. Dickey: Yes, sir, I would.

Colonel Joyner: And you have read what he has said?

Dr. Dickey: Yes, sir.

Colonel Joyner: I believe he predicts that, says, "A new day with intensified public and governmental concern for the governance of higher education is rushing upon us." Do you agree that we are facing a period of development and change?

Dr. Dickey: I would agree that there is a period of development and change and that...

Colonel Joyner: And hope for the better?

Dr. Dickey: That governmental controls in accreditation, governance of education will be upon us if we do not take some steps to strengthen and support accreditation.

Colonel Joyner: Well, now just one or two other questions. You are familiar with the organization of the Southern Association of Schools and Colleges?

Dr. Dickey: Yes, sir.

Colonel Joyner: When was your organization formed?

Dr. Dickey: In 1895. The Southern Association or...

Colonel Joyner: Your organization.

Dr. Dickey: The National Commission on Accrediting was formed in 1947.

Colonel Joyner: 1947. Now the need for it is described in this.

Dr. Dickey: That's correct sir.

Colonel Joyner: Now, there is another National organization, the Federation of Regional Accrediting Commissions of Higher Education that was referred to in prior testimony. When was that formed?

Dr. Dickey: The Federation was formed in 1963, I believe.

Colonel Joyner: And that is a grouping, is it not, of the six or seven, six regional accreditation organizations? Including,

Dr. Dickey: Including the Southern Association.

Colonel Joyner: I don't want to go into detail too much. Now if it's going to take much time, I will withdraw the question; but could you tell us very briefly what is the function of that Regional Association and how it interlocks with your organization?

Dr. Dickey: Yes, I think I can do that very briefly, Colonel Joyner. The Federation is a group made up, as you have indicated, of the representatives of the six Regional Associations in their Commissions of Higher Education, in order to have a greater amount of communication and unification of standards, if possible, amongst the Regional Associations. The Regional Associations are charged with the responsibility for accrediting total institutions, not specialized programs. The National Commission on Accrediting, to differentiate it from the Federation, is concerned primarily with the professional areas within the institutions, medicine, law, social work, and so forth. The two groups are not joined in any formal way but we do exchange representatives at our meetings, and there is ample communication so that we are kept in touch with what the Federation is doing and the Federation in touch with the National Commission, but they serve somewhat different purposes in that one is concerned with the accrediting processes for

total institutions, whereas the other organization, the National Commission on Accrediting, is concerned more with the professional programs within the institutions .

Colonel Joyner: And I assume that your organization is in close touch with the American Association of University Professors?

Dr. Dickey: We have no direct relationship. We are on cordial terms. We are housed in the same building, but there is no...

Colonel Joyner: I notice you have the same address.

Dr. Dickey: We have the same address. We happen to be on different floors, however.

Colonel Joyner: Just one more question. Do you have any close relationship or contact with the Trustees of the University?

Dr. Dickey: We also have a very close working relationship with the Association of Governing Boards, which is the group which works most closely.

Colonel Joyner: I think this is my last question. Is it possible under the By-Laws-Constitution and By-Laws of the three organizations we have mentioned, the Regional Association, the National Association, and the Federation of Regional Accrediting Commissions, is it possible for a trustee of an institution to be a member of either one of those organizations?

Dr. Dickey: So far as I know, it is not.

Colonel Joyner: You have never known a trustee to be a member of either organization?

Dr. Dickey: No, sir.

Colonel Joyner: It's an organization composed almost entirely of those who have direct connection with the University, either as professor or administrator?

Colonel Joyner: That's all I have.

Chairman Britt: Mr. Thornburg any questions? Mr. Fisher?

Rev. Ben Fisher: I have one question. Could you tell us the difference between accreditation and licensing or certification?

Dr. Dickey: Yes, accreditation is the process of identifying the strengths or weaknesses in determining standards for an institution or for a program. Licensure or certification is the process of identifying an individual and his capabilities of carrying out the professional responsibilities for which he might have been trained. One is really an institutional term; one, an individual term.

Chairman Britt: That concluding the questions, Dr. Dickey, I say again we appreciate your coming and making this statement before the Commission and answering these questions. We excuse you at this time with our expression of gratitude. Now, I want to return in our program to a presentation made this morning by the University of North Carolina in order to provide Members of the Commission with the opportunity of asking questions. You know that we heard from the President of the Consolidated University, Mr. Frank Taylor, William Medford of the Trustees, and then the four Chancellors. I believe I'll ask at this time if any member of the Commission, and I'll start with the youngest of the campuses first, if any member of the Commission desires to ask President Cone any question? If not, President Cone looks like you're passed for the moment. I'd like to ask then I believe the University at Greensboro is the second youngest campus. Any member of the Commission desire to ask Dr. Ferguson any question? Dr. Ferguson, come around please sir. Senator Hanes is recognized for questions.

Senator Hanes: Chancellor Ferguson, what is the present accreditation of the University of North Carolina at Greensboro?

Dr. James S. Ferguson: It is accredited by the Southern Association of Colleges and Schools. It is also accredited by such professional organizations as the National Association for Schools and Music, still another organization, the National Commission for the Accreditation of Teacher Education. There are others, but those are some illustrations.

Senator Hanes: But what I'm getting at is it accredited as a university?

Dr. Ferguson: Yes, it is accredited as an institution, individually and, of course, as a part of the Consolidated University of North Carolina, but there is no distinction in the status that it holds in the Southern Association of Colleges and Schools and that of the University at Chapel Hill, for instance.

Senator Hanes: Well, as far as the accrediting agency goes, there's been no change at Greensboro? It was a college, it's now a university. But there's no further accrediting required?

Dr. Ferguson: That is correct. I might add that there are such bodies as the Council of Graduate Schools in the United States, which give their attention specifically to the graduate programs, and we are not a member of that organization, whereas both Chapel Hill and North Carolina State University are members.

Senator Hanes: One other question. It has been stated over and over by some people that the professors, the administration, the trustees of the various units of the University have instigated certain actions by the professors,

that professors have done certain things which would lead you to believe that they feel more strongly about this matter of accreditation than they do. Now, you have stated in your testimony that you have lost a number of faculty members, and that you couldn't say for certain that these faculty members had left solely or even partially because of the passage of the Speaker Ban Law. Had you wanted to do so, would it not have been relatively easy for you to have secured from these professors who were leaving, letters which would indicate that, either partially or wholly, they were leaving as a result of the passage of this Law?

Dr. Ferguson: I suppose I could have addressed a request to them to express themselves in regard to this matter, but I have not done so. There have been, of course, conversations among people on the campus in which faculty members expressed their concern over this matter, but there has not been a systematic effort to get the professors to state this as one of their reasons for leaving, if they have made a decision to leave.

Senator Hanes: But it would have been relatively easy to do so since they feel so strongly about this?

Dr. Ferguson: Well, it is my belief that it would have been easy to do so.

Senator Hanes: Thank you very much.

Chairman Britt: Any other questions of Dr. Ferguson? If not, thank you very much, Dr. Ferguson, for coming back.

Now at this time, I'm going to ask please, and I believe this will help us to move along, ask Mr. Friday, President Friday and also Mr. Frank Taylor if they will come up and occupy these two chairs. I think--where is Mr. Frank Taylor? and Chancellor Caldwell and

Chancellor Sharp if you will occupy the chairs right back of President Friday and Mr. Taylor, I think it will make it a little bit easier to get to it. If there's another chair, where is Mr. William Medford? Mr. Medford if you will pull a chair up close by too, where you can respond to questions also. Now I'm going to start down at my left end this time and ask Mr. Charles Meyers if he has any questions for either of the four gentlemen sitting at the mikes.

Mr. Charles Meyers: Dr. Friday, I would like to ask your opinion and judgment as President of the University and because of your connection with the Chancellors, and particularly because of the influx of professors that have come to your campuses from other campuses in the country. Do you feel that the so-called communist influence on our State-campus is either dangerously existent or is any different from that situation that exists on other leading university campuses, such as the University of Virginia, Yale, Princeton, or Harvard, or the University of Tennessee, or comparable universities to our own? This is a matter of your judgment and opinion, being close to the situation, sir.

Dr. Friday: Clearly the latter, Mr. Meyers.

Chairman Britt: Mr. Fisher you have any questions?

Rev. Fisher: Dr. Friday, a theme that seems to run through some of the testimony we have heard is that the University has drifted away from the people of the State. Do you have any comment on that?

Dr. Friday: Well, Mr. Fisher, 16,000 children in North Carolina were enrolled on our four campuses last year. Over 13,000 more wanted to enroll this fall. To use other illustrations, some 30,000 people have been administered

to in the Memorial Hospital in its clinics; 10,000 people in the dental services of the institution; when you take those people we contact through agricultural extension work, general extension work and other of the extended activities, it would run close to 300,000 or 400,000 citizens of this State. So, in this sense, I do not believe that the University has lost touch with the people. Now, on the other hand, the University has grown very rapidly in the last ten years. Last year, for example, for the first time in a budget of over \$70,000,000, more than half of its money came from sources other than the State, and we have had to keep up with the growing enrollment and the burgeoning programs and possibly we have not had the opportunity to interpret it as well as we should have, but we will certainly do all we can to correct it.

Chairman Britt: Go right ahead, sir.

Rev. Fisher: I have just one other question Mr. Chairman. Academic freedom, freedom of speech, questions of constitutionality of the Speaker Ban Law and University control have all been mentioned as major issues in this controversy. In your judgment, what is the essential issue here?

Dr. Friday: Well, as I tried to say this morning, Mr. Fisher, I believe the issue is simply one of whether or not the University will be allowed to function in the spirit of freedom that it has historically for 175 years. By this, we mean that we would perform in a way subject to the laws of the State; but beyond that, in the traditional freedom that a great University ought to enjoy.

Chairman Britt: Mr. Thornburg.

Representative Lacy Thornburg: President Friday, I asked one of the witnesses before this group in the month of August if he could give us some idea about the number of speakers, visiting speakers, that had spoken on the

University campus in the past twenty or thirty years, and I wondered if you could give me some information on that point, or this Commission?

Dr. Friday: Mr. Thornburg, I did run a check after hearing you ask that question on sample years to see what the experience would look like. We have about 250 people come who speak in general, that is general audiences in the University. There are from 300 to 400 more who come and participate in panels, in seminars, in discussion groups, in presentations like these, so it would be, I think, a conservative estimate to say that each year just on the Chapel Hill campus as many as 550 to 600 people come from the outside in to participate in these discussions, and let me say this, too, because we didn't take the time to do it this morning, that in these speaker programs, one thing we endeavor to do is to present a balanced point of view, and a balanced program. For example, in recent months at Chapel Hill, Governor Ross Barnette of Mississippi has appeared, and Senator Thurmond from South Carolina, Mr. William Buckley, who is probably the most conservative editor in the United States. People like these are invited and do come. So it would run I guess about 600 to 650 people annually.

Representative Thornburg: I would also be interested in knowing the number of graduates that had come through the University in the last twenty years, say, if you could give that figure.

Dr. Friday: Yes, sir, I can. Since 1940, including the degrees, the Bachelors' degrees the Masters' degrees and the Ph.D degrees, 40,623 degrees have been conferred at Chapel Hill alone.

Representative Thornburg: I notice through the course of your remarks, and those of your colleagues, that reference was made from time to time to the Federal Bureau of Investigation or other law enforcement agencies. I take

it you have a working relationship with them by these references, and I wonder if you now have or have in the past had as members of your faculty known members of the communist party or have been advised by the F.B.I., that you had such persons?

Dr. Friday: Not in my time at Chapel Hill.

Representative Thornburg: I'll pass to...

Chairman Britt: Colonel Joyner.

Colonel Joyner: I have first, Mr. Chairman, some questions relative to the legal status of accreditation and proposed withdrawal of accreditation, and I would like to direct those to Trustees that have spoken, Mr. Medford and Mr. Taylor. I understand that the Trustees have great concern about the accreditation situation at the present time. You have expressed that, Mr. Taylor?

Mr. Frank Taylor: Yes, they do, they are concerned, very much concerned.

Colonel Joyner: And the threat, as I understand it, is to withdraw accreditation because the Legislature has prohibited invitations as speakers to the University known communists and those who have taken the Fifth Amendment in loyalty proceedings. Is that your understanding?

Mr. Taylor: Colonel, I do not understand that there has been any threat from the Southern Association.

Colonel Joyner: Well, the consideration of withdrawal that they have said will be presented to the Southern College in November is based--is that consideration, is that your understanding?

Mr. Taylor: Well, I had understood that they had presented the reasons why this

bill was in conflict with their requirements or policy, and it was a mere statement of these facts. Now, whether I think it could be construed as a threat or not a threat depending on...

Colonel Joyner: Well, don't you consider it a threat? Didn't I understand you and Mr. Medford to say that you'd like very much to have this statute repealed because it threatened accreditation?

Mr. Taylor: Well, I don't know that I said that. I said we'd like very much to have it repealed.

Colonel Joyner: Do you or do you not regard it as a threat to accreditation?

Mr. Taylor: Yes, I think it does, I think it is a definite threat.

Colonel Joyner: Well, now, since that is true and since you regard this as a very serious matter, I assume you have made some study and given some thought to the legal defenses that might be asserted against the withdrawal of accreditation?

Mr. Taylor: Legal defenses that might be asserted by the University?

Colonel Joyner: Yes. Have you considered that?

Mr. Taylor: No, I have not.

Colonel Joyner: Have you, and I ask Mr. Medford, if you do not agree, if you've got anything to add to what Mr. Taylor said, because what I'm anxious to get at here is what's in the minds of the Trustees to do if this threat becomes immediate. Has there been any plan made for the Trustees to make an appearance before the College Association, the Commission of Colleges of the Southern Association?

Mr. Taylor: No, there has been none that I know of. I think it would be rather premature for us to attempt to assume they're going to do something and ask them in advance.

Colonel Joyner: Well, I'll come back to that.

Mr. Taylor: I think it would be rather premature.

Colonel Joyner: Has there been any plan with reference to the appearance before the body which has the final say-so, the college delegate assembly?

Mr. Taylor: Not that I know of.

Colonel Joyner: Been any plan about possibly going into court on it?

Mr. Taylor: Not that I know of. In fact we have...

Colonel Joyner: Have either of you, or to your knowledge, has any member of the Trustees examined the Charter of the Southern College, Southern Association of Colleges?

Mr. Taylor: No, I have made no attempt to have it done.

Colonel Joyner: Mr. Medford, have you?

Mr. Medford: No.

Colonel Joyner: Has any member of the Board of Trustees made any such examination to your knowledge?

Mr. Taylor: Not to my knowledge. I don't know that...

Colonel Joyner: You do know do you not that that Charter was adopted in 1963?

Mr. Taylor: Well, I understood it operated for a long time before it was incorporated.

Colonel Joyner: (Interposing): I asked you about the Charter, Mr. Taylor.

Mr. Taylor: But I don't know the date of the Charter. I have had no reason to know, none whatsoever or to make inquiry about it.

Colonel Joyner: May I, as a member of the Commission, suggest that it might be enlightening if you were to read the Charter with the view as to whether the Charter gives to the Association the power to withdraw accreditation because of a situation such as posed by the Statute in question?

Mr. Taylor: Well, I would be delighted to read it.

Colonel Joyner: I think it would be advisable and I have it right here in my desk, it's a report for 1964--right here in my brief case; in which the Charter is given; and as I read the Charter, there is one provision in the Charter that provides for accreditation based upon the quality of the work done in an institution, and there is another entirely separate provision in the Charter which provides for the Association acting to protect colleges against political or undue influence--and I am paraphrasing now--and that section, as I read it, limits the action to protests, not withdrawal of accreditation. But I think it would be worth studying. Let me ask you another question. Do you--has the--well, I believe you've answered that. And I also make the suggestion that since it appears that this matter will be presented by the Commission of the Association in November, as to whether it isn't time for the Trustees to begin considering defending the status of its accreditation; do you agree with that or not?

Mr. Taylor: Well, I think that we would have to assume that your Commission is going to do something that we hope you are not going to do. for us to go down there now and seek to defend ourselves...

Colonel Joyner: I didn't get the last.

Mr. Taylor: I say, for us to go down and seek to defend ourselves now against taking away accreditation, would presume that your Commission is going to put us in that position.

Colonel Joyner: I mean, when they meet in November.

Mr. Taylor: When they meet where? In November?

Colonel Joyner: Well, isn't that a little presumptuous-presumption?

Mr. Taylor: No, I say that it would be a presumption on our part.

Colonel Joyner: Do you also presume that the Legislature will act before November and repeal the Statute?

Mr. Taylor: I have no idea, I have no idea. If you ask me if I hope so, I do, but I have no idea what will be done.

Colonel Joyner: I am sure you have read this pamphlet from the Association with reference to accreditation, standards for colleges?

Mr. Taylor: No, sir, I have not. I believe that...

Colonel Joyner: I call your attention, Mr. Taylor, to the following sentence, "The Commission also stands ready to protest in the name of academic integrity when the educational effort is hampered by political interference, or is in any way menaced by those who would subvert the search for truth." Would it be your construction, as an attorney, that the word "protest" would go so far as to embrace withdrawal of accreditation already existing and membership in the Association?

Mr. Taylor: Colonel, I would not think that the word "protest" would. I would say this; that the authority of the Association would be probably largely dependent upon not only on that Charter but the laws of the State in which it was incorporated. I think you, as a lawyer, would agree with me about that. Now, then as to whether or not they have the authority to take away accreditation, I am wondering if the mere fact that they have the authority to give accreditation would not imply a similar authority with reference to taking it away. But, of course, I haven't gone into those things.

Colonel Joyner: Haven't you had a good deal of experience with voluntary associations?

Mr. Taylor: Yes. Certain types of them.

Colonel Joyner: It's a very different thing to get into one and then after you get a member in to get him out; that's a very different thing, isn't it?

Mr. Taylor: Well, it depends on the type of association. I think a lot of these associations where they have dues to pay, they easily get out by just stopping the dues.

Colonel Joyner: Okay. Well, I'll ask this question, Mr. Taylor. As a Trustee who has studied this question, I ask this to both you and Mr. Medford, what do you regard as the present machinery for screening those people who any student organizations desire to invite as teachers?

Mr. Taylor: To invite as speakers?

Colonel Joyner: As speakers.

Mr. Taylor: Well, I don't know that I could give you any definite plan. The Administration, generally, in recent years--since I have been on the Executive Committee, the Administration has done what we thought was a creditable job in keeping speakers away from there that ought not to be there, and surely I think that if there were evidence that they were neglecting this duty or the speakers would come in there who ought not to, then I am confident that the Executive Committee would take action.

Colonel Joyner: Mr. Taylor, didn't the passage of this statute raise the question of dissatisfaction with respect to speaker screening?

Mr. Taylor: Well, I think it raised it in certain circles.

Colonel Joyner: It what?

Mr. Taylor: I think it raised it in certain circles, but not in our circle.

Colonel Joyner: But if there was a dissatisfaction with the closeness of the screening to say that only proper people were invited to speak at the University, wouldn't it have been natural for the Trustees to inquire what screening was given?

Mr. Taylor: I think so, if we were to see any evidence that they had not been properly screened. As I understand this law, Colonel, it refers only to a communist or communist who has taken the Fifth Amendment or because of being questioned about that. But I think with you apparently^{that}/there are a lot of undesirables that are not communists, and I agree with you that a lot of undesirables ought not to be permitted whether Communists or other totalitarisms or what they may be, and I think the purpose for which they speak--the type topic or subject they have--is something that should be considered. Now, I would be glad, if anybody would point out to me some undesirable that has been permitted to make a speech that would conflict with this law in the last ten years because I would like to know who it is.

Colonel Joyner: Well, as I understand it, the Committee of the Trustees and the Trustees, the present status is that they would like to have the law repealed?

Mr. Taylor: This is correct, we think it's certainly to the interest of the State.

Colonel Joyner: You would like for this Committee, this Commission, to recommend that the Legislature repeal the statute?

Mr. Taylor: We would hope that this Commission, after hearing all of the evidence involved, would think that it should be repealed or make recommendation to that effect, or certainly that it be amended so as to restore to the traditional authorities the right to determine whether a speaker is or is not a proper speaker for the campus, and we would think that it would be far beyond just the question of communism. I believe, my ownself, speaking for myself, that this type law is rather something that communists would like because all of their work is done in a subversive way. What we are afraid of is what might go on by the wrong kind of young man or others getting in there, not what they are going to speak on the campus.

Colonel Joyner: I am not defending the effectiveness of the law; I am not defending the law. I am trying to get at the practical situation as it exists today.

Mr. Taylor: I would be glad to say that we would certainly try to screen, and we have, as I said seen no real purpose for action on our part, but we certainly would if it developed that we ought to.

Colonel Joyner: Well, the practical situation as it exists today is that the law is on the books; isn't that right?

Mr. Taylor: That's right.

Colonel Joyner: And you, the people who were anxious to have it repealed, and the people who were anxious to have the Medord amendment proposed amendment adopted did not consider that the Legislature would pass it, would take either action at the 1965 session?

Mr. Taylor: Well, it was apparently the thought of a good many of them that there had been such an emotional issue created and that it probably might not do so--might not pass at all.

Colonel Joyner: And you would like to have that done now and that would require Legislative action?

Mr. Taylor: It would, yes.

Colonel Joyner: Isn't it a fact, Mr. Taylor, that the Legislature, and particularly the House of Representatives in the Legislature, is exceedingly responsive to the wishes of the majority of the people?

Mr. Taylor: Well, I have seen them when they certainly didn't respond, and I have seen them when they did. There are certain questions, Colonel, of this very type here are, and I don't think I've ever seen a one as quite so misunderstood by the public as this one is. The average person of the public either looks upon this law either you are a communist or you're for this law, well, that's a definite misunderstanding on the part of the public.

Colonel Joyner: Mr. Taylor, I don't want to fence with you. What i'm trying to do, and I think every member of this Commission is trying to do, is to try to find the best solution of this practical situation, and the practical situation is that we've got a law on the books, and we'd like to solve it by getting it off if it can be done.

Mr. Taylor: That's right.

Colonel Joyner: Now, I'm saying that it's not feasible to get it off of the law books unless the sentiment of the people in North Carolina favors that; do you agree?

Mr. Taylor: Well, of course, I think that the General Assembly, if this Commission found that this law was detrimental to higher education and to the progress of our State, I think the Legislature is made up of men who

are broad-minded enough and interested enough in that that they might repeal it even though there may be a large sentiment that might be against it.

Colonel Joyner: Well, if they should do that, and the majority of the people would not approve it, wouldn't that mean that the fires that are now burning would continue to burn and burn more hotly?

Mr. Taylor: I don't think so.

Colonel Joyner: You don't think so, you don't think then, and do you agree with what Mr. Taylor says, Mr. Medford?

Mr. Medford: Not altogether.

Colonel Joyner: What do you think?

Mr. Medford: I would say that the fires as you say, once this question is aired before the people and they have the chance to really understand the issues involved, then I think that it is going to subside. Now, there may be an inclination on somebody's part to keep it going. It may be expedient for some to do that. But we in the Trustees do not think that it would be, once it has a chance to be aired thoroughly and people are given a chance to understand what the real issues are in this case. Now, I might point out one thing else in the nature of your questions, Colonel Joyner; that I think is a little bit erroneous. You have used the expression a time or two of what is a proper person to speak over there. I presume that you have in mind that you as an individual or some group of individuals should set up some standards as to what a proper person is. Well now, is it the person or what the man is going to speak about that is of importance, is it the fact and should the Trustees develop regulations which has been discussed that would protect the integrity of academic

freedom and intellectual freedom, and the atmosphere at the University at the same time be certain that those who fear that something sinister is going on would not go on underneath and there would be no chance to subvert young minds. We do not think--you use the term "proper person"--that's an indefinite term, and you would get about as many answers as you have people in North Carolina.

Colonel Joyner: As I understand it Mr. Taylor thinks that the people would favor the repeal of the Speaker Ban Law, and you would think they would favor it when they are properly informed.

Mr. Medford: That's correct.

Colonel Joyner: What's that? Is that correct?

Mr. Medford: Once they understand what the issue involved in this thing.

Colonel Joyner:

Colonel Joyner: Now, that raises this very critical question that will be before this Commission. Would you think that they would have time to understand it? Would you and your group and the University officials have sufficient opportunity to explain it to the people prior to November, prior to the calling of a special session, or should it wait until after the Primaries in 1966?

Mr. Medford: Colonel Joyner, I would say this, that if the University and the other institutions of higher education in North Carolina can convince this Commission of the fact that something ought to be done in this case, the recommendation of this Commission is going to have a very vital and significant influence upon the attitude of the people in North Carolina. If we cannot convince this Commission, if the Commission is not convinced, then I am quite certain the people are not going to be convinced.

Colonel Joyner: I wish I had as much confidence that the people would follow me, as you have. What I am really saying, what I am really saying is

asking you the question--it's a double question--wouldn't it be best for everybody to try to dispose of this issue and get it out of the way on terms that will be reasonably satisfactory prior to the first day of January, 1966? Do you agree with that?

Mr. Medford: I think that is certainly true. I don't think that this, I will give you my experience in connection with this report of the Special Committee and our action in considering this thing. We purposely held off making a report while the Legislature was in session as long as we could because we knew of the political implications and the intense emotionalism generated by this law. We felt that to put it in and make a report early in the session might have all kinds of implications on other issues before the General Assembly.

Colonel Joyner: I have a lot of other questions, but in the interest of time I am going to pass after this one. I am afraid that you are putting a terrific burden on this Commission, and speaking for myself and myself only because I haven't conferred with any other member of the Commission, I would feel much happier, and I would feel much more sure that any recommendation of this Commission would be followed if the Trustees would take action and say what kind of regulations and restrictions they would impose if the law should be repealed, and I ask you if you think that that wouldn't be advisable.

Mr. Medford: I believe in the report this morning that Bill Friday made, there were certain regulations that he read, that he said the Administration, in consultation with the Special Committee, and with the faculties and those interested, would make to the Trustees, once this law was repealed. I think that's as far as we can go.

Colonel Joyner: That's all the Trustees propose to do?

Mr. Medford: Now, the Special Committee did not have before it and we were not asked to draw up any regulations; it was not within our province; it would have been premature to have drawn up regulations. The Special Committee would have because, after all, the entire Trustees have to pass upon that.

Colonel Joyner: Let me just close with the comment that I've got a lot of questions but I'm going to pass them, but I've heard a lot about the harm that this law would do, but I have heard almost no suggestions as to how it can be solved practically and how the feeling of the people of North Carolina that they would like to have communist speakers not invited to the University, how that may be appeased and met. I'm very anxious to get some suggestion on that line because I fear that the University may be destroyed if this controversy is not settled and settled quickly on terms that will be reasonably satisfactory to the people.

Chairman Britt: Thank you Colonel Joyner.

Mr. Taylor: May I ask Colonel--

Chairman Britt: Yes.

Mr. Taylor: See if I'm definite about my understanding about this thing. This Commission was appointed, as I understand it, not for the purpose of trying to ascertain--

Colonel Joyner: I can't quite understand you, Mr. Taylor.

Mr. Taylor: The Commission, as I understand it--I haven't seen the resolution in some time about it--was appointed not to ascertain what the majority of the people of the State might think about it, but to determine its effect on the higher education system of the State,

and that it's what this Commission thinks is right that would create their decision, of course. Am I right in that or not?

Colonel Joyner: Well, my understanding is not that. My understanding is that this Commission's function is not only to study the facts but also to attempt to recommend some solution.

Mr. Taylor: Oh, yes, I understand^{that} it is to make a recommendation for a solution.

Colonel Joyner: As I say,
/I am speaking for myself only, but in my opinion held at present, I will change it if anybody can convince me to the contrary, but my opinion held at the present is that there can be no satisfactory solution until some reasonable, tangible, written assurance is given to the great body of people in North Carolina that communists are not going to be indiscriminately invited and welcomed to the campus of the University of North Carolina.

Mr. Taylor: Well, I am one of those who believes that I can assure you that they will not be; and that this Commission, if it finds what is right and what they think is the advantageous thing for education in this State, and so stated and make a recommendation, like Bill Medford I say that this Commission would go a long ways in settling that issue; but in any event, there would certainly be no wholesale; I think you could go that far; that from your information, there would certainly be no wholesale invitation to speakers.

Colonel Joyner: Mr. Chairman, they're all the questions but I think I should give President Friday an opportunity to comment or answer if he cares to make any comment on what my question has been.

Chairman Britt: President Friday you are recognized.

Dr. Friday: I wanted to respond immediately there, sir. I don't think the record shows that there has been indiscriminate invitations, even on all the testimony placed before you.

Colonel Joyner: I agree, I agree with that.

Dr. Friday: I would like to make it clear, if I didn't make it clear this morning, that our policy on speakers begins, Colonel Joyner, with a clear obedience to the 1941 law which would eliminate the appearance of any persons for those purposes.

Colonel Joyner: I understand that.

Dr. Friday: Now, beyond that, in our discussions with the Medford Committee and the Executive Committee of the Board of Trustees, we set forth the three conditions which I indicated to you this morning which would apply, once the legislation is corrected by the General Assembly. Now, let me just go one step further. What should the Board of Trustees do beyond that then? Well, the University of Virginia went through an experience when they had the most outspoken communist and the most outspoken fascist coming to the campus and they were invited by the most conservative student organization on the campus. But the Board of Trustees of the institution got into this situation; they censured the judgment of the students; they took a position of opposition to communism, as we have; they took a position of impartiality in not approving or disapproving the appearance of a man or what he said, but then this is what they said, and I'd like to read this, "That this Board reasserts the founding principle of the University stated by Mr. Jefferson. This institution will be based on the illimitable freedom of the human mind and here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." Now, that's the policy statement of the Board of Regents of the University of Virginia. I would be proud

to see our Board take that position. But in the doing we would want it to be understood that it was within the limitations of the statutory requirements upon us and the procedural requirements we've outlined this morning.

Chairman Britt: President Friday, I'd like to ask you a question here and it's based upon any number of letters that I have received and I know that a number of other folks have received, by either students or parents of students, or former students, regarding some of our professors. I notice in your presentation this morning that you said this, "As recently as 1959 they spoke on academic freedom and faculty responsibility in these words: '1. Academic freedom is the right of a faculty member to be responsibly engaged in efforts to discover, speak, and teach the truth.'" Now, a number of these letters, a number of these letters have indicated that more or less reckless statements have been made by a number of professors and particularly in the matter of political science. For instance, I had a letter from one father, whose child was on one of the campuses this summer, and he says, "He tells me that day after day this professor talks of stupid southerners, stupid conservatives; he has preached day after day about the Speaker Ban Law. On yesterday, he spent most of the class period in berating a late senator from this state and said that the way he got to be a senator was by calling his opponent a communist," which I'm sure is not true. Now, the point I am asking you is this. When this matter is called to the attention of the Chancellor or to any part of the Administration, is any effort made at all to talk to the professor about such reckless statements as that, and such intemperate lectures as that to formative minds of our children?

Dr. Friday: Did you say he was in political science, the particular professor you are talking about?

Chairman Britt: I believe it was, yes sir.

Dr. Friday: Well, I would judge that, and I don't really know, Mr. Chairman, what went on here, but he was talking about matters of immediate concern in the field of political science, but there are processes within the University where when abuses are reported; that they are processed within the regular way from the Chancellor's office to the department head concerned, if it appears to be something of seriousness. Now, let me add that in the same document from which I read this morning, these two paragraphs, there is also a statement which prescribes at length the due process protections and guarantees that concern faculty members and if you would like to have that sent to you and Members of this Commission to show how charges are preferred, and when they are preferred, you may have it.

Chairman Britt: The point I am making, President Friday, is this. I think people would like to know, and I certainly would like to know, is whether or not when we have a professor on one of our campuses he is given absolute freedom to teach as he wants to, what he wants to, is given absolute freedom in it, and although that there is strong evidence of indiscriminate statements, of incorrect statements not based on fact, do we have any way of calling this matter, calling this professor to task for violating fact.

Dr. Friday: Well, in the first place, I know of no prescribed conditions that relate to how a man shall teach, in the sense of restrictions upon him. He is completely free. However, I think that what happens in the faculty world is just like the situation in any other relationship of one human being

to another, where people judge men for promotion purposes in other fields if they do not measure up. There are standards and criteria that have to be met. These are taken into account by people who make these decisions. These are not decisions of mine or the Chancellors'. They come up from their peers.

Chairman Britt: Mr. Zollicoffer do you have any questions?

Representative Zollicoffer: Mr. Friday, I understood, I thought when you were talking with Colonel Joyner, that you stated the Trustees had taken some statement or made some statement in opposition to communism. I don't believe we have any resolution. They have made no resolution in which they oppose communists speaking on the campus, have they?

Dr. Friday: The last action of the Executive Committee was taken last Friday. This is a copy of it here which Mr. Hill is distributing, I am sure. But it has nothing to do with the speaker regulations, as such, but declares the policy of the Executive Committee as they see it.

Representative Zollicoffer: Now, does the Executive Committee run the Board of Trustees? This is not the Board of Trustees then...

Dr. Friday: No, the Board of Trustees, it voted and approved Mr. Medford's report, which you heard him refer to.

Representative Zollicoffer: And does his report in effect say that they do not want communists to speak on our campus?

Dr. Friday: His report addressed itself precisely and solely to the question of the jurisdiction to the Trustees. It did not go beyond that. You have the amendment before you there.

Representative Zollicoffer: Have the Trustees of the University ever adopted any policy regulating speakers on the various campuses?

Dr. Friday: Well, that would depend upon what you mean by regulation, Mr. Zollicoffer. In 1949 there was a meeting of the Board of Trustees, at which this whole matter was discussed at length. The Board then, by formal action, said we will leave the matter of the communist problem in the hands of the Administration. In this particular instance, it had to do with some research assistant, not a speaker. It was again declared by President Gray in 1951, or somewhere along in there, in his Inaugural address, he laid out a plan which was endorsed by acceptance. I stated to the Board of Trustees in 1963 every point you heard set forth here this morning save one little detail. But they did approve that report.

Representative Zollicoffer: So the present policy of the Board of Trustees is to leave it in the hands of the Chancellors or the Administration?

Dr. Friday: Subject to the existing statutes.

Representative Zollicoffer: Do you believe that it's necessary for the Board of Trustees to adopt regulations? I notice you have recommended some in your presentation this morning.

Dr. Friday: If the law were removed, I would propose those regulations to the Board of Trustees.

Representative Zollicoffer: Why are these regulations now necessary and weren't necessary in 61 or 63?

Dr. Friday: They have been the direct result of discussions among all interested parties--students, faculty, administrators, and Trustees. In

our judgment it was better to suggest this as a form of procedure at this point to insure certain safeguards and considerations.

Representative Zollicoffer: Well, then, these recommendations are direct results, you might say, of the enactment of the Speaker Ban Law?

Dr. Friday: They are the result of the debates about it, yes.

Representative Zollicoffer: If I could ask Dr. Caldwell one question. I assume you are familiar with the recommendations of the Special Committee of the Trustees, in amending the Speaker Ban Law, to turn it over to the Trustees?

Dr. John T. Caldwell: Yes, sir.

Representative Zollicoffer: Would not you still have the same problem with Dr. Haldane? You would have to determine whether he were a communist or not even under these recommendations?

Dr. Caldwell (Interposing): No, sir, Mr. Zollicoffer. The proposed regulations do not set forth any proscribed categories of speakers for the campus. The proposed regulations merely say that when any person is to be invited who might be, might fall into any one of the presently proscribed categories, which would be written into an amended law, that the Chancellor would be expected to adopt any or all of the following procedures and require that the meeting be chaired by an officer of the Administration or a senior member of the faculty, and/or that the speaker be subjected to questioning, and/or that the speaker, ^{that the meeting} be given an opportunity to hear someone of an opposite point of view either then or later. That's all.

Representative Zollicoffer: In other words, if the recommendations or regulations set forth in President Friday's presentation this morning and the amendment to the Speaker Ban which was proposed by Senator Medford's group were adopted, then if Mr. Haldane came, you would treat him as if he were a communist; in other words, he would be subject to those regulations unless you advised him otherwise?

Dr. Caldwell: Yes, we would use our own judgment, and we wouldn't have to advise Dr. Haldane at all for that matter, but I would set up the procedures on the campus. I would certainly require and it wouldn't be necessary that a senior member of the faculty certainly would be presiding anyway, but I would certainly insist upon it, or maybe have the Dean of Faculty preside, or something of that sort. We would make certain--and we wouldn't have to provide for this either--that professors would then ask questions, and so on.

Representative Zollicoffer: What is concerning me is this would be making a distinction between John Smith, who speaks, and Dr. Haldane.

Dr. Caldwell: Yes, sir, we would exercise judgment as to the discussions.

Representative Zollicoffer: And you don't think that would be injurious to the academic freedom or the educational quality of the University at all?

Dr. Caldwell: No, I do not. I do not think the faculty would think so either.

Representative Zollicoffer: That's all.

Chairman Britt: Senator Kirby.

Senator J. Russell Kirby: Mr. Chairman, in the interest of time, I'm not going to ask any questions.

Chairman Britt: Mrs. Swindell.

Mrs. Swindell: Well, several of mine have been answered, but I was very interested on page 7. I have it all marked and turned right ready to ask, but several of those questions have already been answered. I assume this was one of the new fields that we got into today and I was very glad to see it. I notice here, "As a further precaution and to insure free and open discussions essential to the safeguarding of free institutions, each Chancellor, when he considers it appropriate, will require any and all of the following." I'd like for you to go into "appropriate", what would you define as appropriate?

Dr. Friday: A speaker of controversy, who is to be of a controversial nature and it doesn't necessarily have to be somebody who is leftist.

Mrs. Swindell: Well, that's what I wanted to know, and that would be left entirely with the Administration officials? Is that right?

Dr. Friday: Yes.

All right.

Mrs. Swindell: / Then, you would screen such people as you would think would be appropriate speakers to appear on the University campus?

Dr. Friday: No, no, I don't want to convey that impression, Mrs. Swindell.

Mrs. Swindell: Well, all right.

It's just if a person is invited, and let's take Rockwell for example the Fascist; if the Chancellor deemed it appropriate to apply one, two, or three, or all three of these conditions in that case, under this policy, he could do so, but he does not come between the invitation to the man to come and the appearance.

Mrs. Swindell: He would appear then?

Dr. Friday: That's right.

Mrs. Swindell: He would appear on the campus if he were invited by a recognized student organization? He would appear on the campus, is that correct? And then sitting on the platform would be someone from the University that you put there to ask him questions and to answer him and really make a rebuttal if necessary. Is that correct?

Dr. Friday: And also to answer questions from the floor.

Mrs. Swindell: Why surely I understand that, but it would not keep him from coming, but you would have someone there to question him?

Dr. Friday: Conditions "A", "B", and "C" could apply.

Mrs. Swindell: That's right. All right. Now that answers a great deal. Let's take one little instance, now with Carl Braden, he pleaded the First Amendment. He did not plead the Fifth. He is not what you call a known communist; he doesn't admit to being one; he did not speak on the University campus because of the law. He was invited there by the Chapel Hill chapter of the N.A.A.C.P. if I'm not correct.

Dr. Friday: I am not familiar with it.

Mrs. Swindell: Something like that, I think that's correct. All right, someone of that character, you would screen?

Dr. Friday: Well, you take each case individually, Mrs. Swindell.

Mrs. Swindell: That's what I'm taking this case. I'm taking him as a case.

Dr. Friday: I don't know enough about Mr. Braden's circumstances to answer specifically to him. I'm not evading your question. I just don't know.

Mrs. Swindell: Well, it came up at the University of South Carolina. That's why I'm so interested. The president there informed the student body that invited of his reputation and the fact that he served a sentence you see, and so forth. He didn't appear on the property of the University, but he appeared. And he spoke just exactly like he did at the University and the church there. But, if he had appeared on the University campus, say he had, he would have had someone there to question and answer him?

Dr. Friday: Well, I am assuming that he would not have been barred under either the '41 or '63 law.

Mrs. Swindell: He couldn't have been. He didn't plead the Fifth Amendment, and he doesn't admit he's a communist, but He is a controversial character.

Dr. Friday: The '41 law doesn't concern itself with those categories; it's with acts. I would apply it individually here.

Mrs. Swindell: Thank you very much.

Chairman Britt: Senator Hanes, you're recognized.

Senator Hanes: I was pleased to see that the University and the Administration and the Trustees are proposing some regulations, but I have some questions with regard to them. During the lunch period, I looked up "regulation" or "regulate", which is defined by Webster as "to govern or direct according to rule; to bring under the control of constituted authority; to make regulations concerning.... Regulation often equals rule but it

carries a stronger implication of prescription by authority for the sake of controlling an organizational system." Now, the proposed regulations say as a further precaution and to assure free and open discussion as essential to the safeguarding of free institutions, each Chancellor, when he considers it appropriate, and only when he considers it appropriate, will require any or all or none, I assume, if he considers it inappropriate, of the following. I am concerned with our making recommendations which will be of some effect. The people of North Carolina are concerned about this, and I agree that they don't fully understand, and maybe none of us fully understand, the whole implications of the problem; but I think there is serious concern on the part of the people of North Carolina, and the Legislature mirrors this concern, as to what the University and its Trustees and its Administration would do if the law were repealed or amended to provide that control should be in the hands of the Trustees or maybe referred on to the Administration. For that reason, I had hoped--and I do not share, incidentally, Colonel Joyner's feeling that we must recommend what we think the people want. Had the Legislature felt this way, they would never have passed the tax on food, which has been so very unpopular. Certainly if you put it to a vote of the people, applying the sales tax to food would never have gone through, and the State would have been in serious financial difficulties. So, in that instance, as I hope in this one, the Legislature will do what it believes to be best for the State's institutions of higher learning. But, to me, this regulation is no regulation at all because it's tantamount, in my opinion, to saying the chief of police of the City of Chapel Hill shall, when he considers it appropriate, enforce the laws of said town.

Dr. Friday: No, Mr. Hanes, it doesn't mean that. Let's go back again, and if I can make myself more clear about it. In the context of the total prescription here; first, the laws of the State. That eliminates a category of speakers. Secondly, only those official organizations that are recognized to invite can invite, right?

Senator Hanes: Right.

Dr. Friday: Third, having eliminated the '41 category, we then said that in our discussions with the Trustees that for other types of speakers, as a further precaution to insure free and open debate, these conditions may apply--1, 2, or 3. Now, and then we go one step further and say that when he comes, it is not to be understood that we approve or disapprove either of him or what he says. Now, this is the standard and accepted practice of most major universities in the United States, and you know yourself, from your inquiry of the University of Virginia, that this is true there out of their experience.

Senator Hanes: That's right, but what concerns me is that I don't feel that these regulations are in the sense of the word that I understand "regulations", comply and further you say and see that "the opportunity be provided at the meeting or later." Why "or later"?

Dr. Friday: You might wish to stage a full-blown discussion with the opposing point of view taking an entire evening. This is done, regularly and routinely, but aren't we really talking to the bigger point? That when you talk about public acceptance, to the question that might be in the minds of people that the University did have, or does have, a substantial communist influence in it some way, somehow. This is what I run into. Now

what I have tried to do this morning was to make it very clear to you and through the means of communication available to me here that the University has throughout its existence been opposed to totalitarianism, specifically, communism, since this happens to be that expression in our time, or to any other form of tyranny; and secondly, that we feel that our best means of opposing these political systems is by being a free and strong University, wherein, subject to the laws of the State, you can subject the point of view to cross-examination, debate, and discussion. Now, going beyond that, there is a difference between a man appearing to speak and a man being on your faculty to teach, and we take the position that we do not employ members of the communist party as professors and researchers. So that's the third phase. I tried to answer the other side of it as to the attitudes of people towards some faculty members by pointing out that each one of them, I, all of them, have executed an oath of allegiance to this Country and to the State, and that faithfully we have abided by all the laws of the State that relate to this entire matter. Now, my purpose here was to say, for all to hear, that this is where the University stands, and I have said, in '64, Senator, again in '65, and again this morning, that if there is one citizen who will stand up publicly and contradict the statement I make that the University has a member of the communist party on its faculty staff, I invite him to do so, and nobody has done so yet.

Colonel Joyner: If you think a communist should not be on the faculty, why do you think the Communist should be invited to speak?

Dr. Friday: There's quite a difference, Mr. Joyner.

Colonel Joyner: Well, that's what I'm interested in.

Dr. Friday: If you have the command of a student classroom with thirty students in it, four days a week, for a full semester; you can wreak damage I would guess if these students are really listening and attentive and you would have a chance to indoctrinate; but when you have the platform for one evening, subject to cross-examination under the conditions we have put, I have yet to see that that would be in any way a damaging situation.

Colonel Joyner: Difference of degree not of kind.

Dr. Friday: I have attended two speeches by these individuals--I suppose you would classify them as such-- in my experience at the University, and in both instances, the speaker who was there was subjected to the most intense student participation that I have seen in the University, of course they went there to do that, they wanted to find out, and I thought it was an effective demonstration in the process of education.

Colonel Joyner: I'm sorry Senator Hanes I didn't mean to interrupt your question.

Senator Hanes: That's quite all right. I just have one more question of Chancellor Sharp who said professional organizations refuse to meet on our campus. I think it would be helpful to this Commission to have a list of the professional organizations which have refused to meet on the campus.

Chancellor Sharp: Yes. I think Mr. Friday has that list.

Dr. Friday: The Southern Political Science Association was one; one of the physics associations has refused to do so. We will get you the list.

Senator Hanes: I think it would be very helpful.

Dr. Friday: The Southern Political.--the political science group by formal resolution in meeting in Durham.

Senator Hanes: I believe one of the zoological groups.

Dr. Friday: That's right, mammalogy groups.

Senator Hanes: But it would be helpful to us to know the ones who have refused.

Dr. Friday: You'll have it.

Senator Hanes: That's all.

Chairman Britt: I believe Colonel Joyner has another question.

Colonel Joyner: President Friday, I think I should give you the opportunity to make a comment on this situation. On May, on August 30, I received, addressed to me, an envelope University of North Carolina, University News Bureau, 2, 306 Bynum Hall, Chapel Hill, North Carolina. In that, there was a copy of the Chapel Hill Weekly for August the 25th, in which there was red markings at the bottom, an article entitled, "Answers to Some of the Gag Law Charges." On September the 2nd, I received an envelope similarly addressed and containing a copy of the Chapel Hill Weekly of August 29, with the same markings, red markings on the bottom, the critics of the University. Since they came from the University, I thought that I should put them in the record. I assume that they were sent to each member of the Commission. I'll pass them up to you and ask you if you wish to make any comment.

Dr. Friday: I did not know, Colonel Joyner, that they had been sent to you,

but if they came from the University News Bureau, I would certainly take the position that this was an action which I would support, if it's communication of information to you of what would be considered to be of some relevance and importance to your deliberations.

Colonel Joyner: Is that the only comment you care to make? Are you familiar with it?

Dr. Friday: I am not familiar with it. I've read the articles. I did not know about the mailing.

Colonel Joyner: You are familiar with the articles?

Dr. Friday: Yes, sir.

Colonel Joyner: And you don't care to make any other comment?

Dr. Friday: Other than I don't quite know what you are driving at, sir.

Well,

Colonel Joyner: / I am giving you the opportunity. What I really want to know, do you endorse and subscribe to the things that were said in there?

Dr. Friday: I support Mr. Ivey in what he did, Colonel Joyner.

Colonel Joyner: Okay. That's sufficient.

Chairman Britt: Senator Hanes.

Senator Hanes: May I ask a question? Is the Chapel Hill Weekly an organ of the University?

Dr. Friday: No, sir.

Senator Hanes: Isn't it a private paper?

Dr. Friday: It is wholly a private operation.

Senator Hanes: So, you have no control over what Pete Ivey says? Is that correct?

Dr. Friday: No, sir, that is correct.

Colonel Joyner: Now let me clear up with Senator Hanes. Senator Hanes, my comment, and the reason I am putting it in is not because it appeared in the Chapel Hill Weekly, it's because it was distributed by an agency of the University, and President Friday says he supports that action in distributing it.

Senator Hanes: I thought it was sent by Pete Ivey.

Colonel Joyner: Oh, no, it was sent by an agency of the University.

Chairman Britt: Members of the Commission I assume then that those are all the questions you desire to ask of the representatives of the Greater University.

Dr. Friday: Thank you.

Chairman Britt: If I'm in error please speak up at this time. If not, thank you very much, gentlemen for being here and for your patience. Now at this time, I'd like to recognize in as orderly a manner as I possibly can representatives of our other colleges of North Carolina. The first of these is A & T College of Greensboro, North Carolina, and I would ask please that President Lewis Dowdy of that institution, and the Chairman or Vice-Chairman of his Board, to please come forward. I recognize with President Dowdy Mr. Frazier, eminent Member of the Greensboro Bar and Treasurer. Will you state your position, please, as far as A & T College is concerned?

Mr. Robert H. Frazier: Mr. Chairman, Lady and Gentlemen of the Commission, I appreciate the invitation to present a statement to you at this time. The invitation came only a few days ago. My statement has not been presented to the Board of Trustees; it is only a personal statement.

My opinion about the North Carolina Speaker Ban Law is influenced by the growth of other government controls of our colleges. Emotional feelings now prevailing about the Speaker Ban Law appear to me much out of proportion. It should be considered in the light of larger questions. I have the highest regard for those on both sides of the matter. I know the sincerity and the honesty of their convictions. I respect them.

None would ban freedom. How to preserve freedom is the problem. Advocates of the Speaker Ban Law desire that no one be permitted to speak who advocates a system of government which would destroy freedom. Advocates of repeal wish to see to it that government does not now restrain freedom.

Speakers by other names than Communist now may speak at our State institutions sponsoring mistaken doctrines of Marx. These are not banned by the Speaker Ban Law. It is such as these that advocates of the Speaker Ban Law really desire to keep our youth from following. I share that desire, but I know that laws can hardly, if ever, do it.

One of the principal reasons stated for the repeal of the Speaker Ban Law is the probability that accreditation will be withdrawn if the law remains in effect. The Southern Association of Colleges and Schools properly alert in opposing government controls which in any way impair freedom of education. I share its desire to do that. However, resisting the Speaker Ban Law alone seems to me a bit like "straining at a gnat."

For instance, I think it more important that there should be opposition to such requirements as the present government regulation that no part of

a building constructed with a government grant will be used as a place for religious worship. Freedom of worship in such college buildings is barred. In them only Atheism, one of the cardinal principles of Communism, may prevail. Prayer is barred by law. Furthermore, our government now is requiring colleges that have students receiving government loans to sign agreements that regulations not yet disclosed will be obeyed.

Preserving freedom in education in America requires eternal vigilance. Responsibility for it rests on the General Assembly, on Trustees, on Faculties, and on citizens. If I were a member of the General Assembly I would vote for repeal of the Speaker Ban Law. It has injured the Agricultural and Technical College of North Carolina as it has injured all our state institutions principally because of the suggestion that accreditation may be withdrawn. Its effect upon the general quality of education has been little, if any.

Trustees should be appointed who select administrations that will not promote those who would destroy our American freedom. Advocates of the Speaker Ban Law deserve commendation for their alertness in pointing out the misguidance of youth that will destroy our free institutions. The accrediting agency deserves commendation for its awareness in seeking to preserve educational liberty. Trustees, Administrations and Faculties should be as vigilant. Thank you.

Chairman Britt: Thank you, Mr. Frazier. I now recognize President Lewis Dowdy of A & T College.

President Lewis Dowdy: Thank you, Mr. Chairman, and Members of the Commission. The statement I will read does not represent officially an action of the faculty, we have discussed this but I have attempted to respond to the two

letters in the Chairman of the Commission's letter to me on August 14, and, of course, I need not re-state these. They have been already read here. So I have taken the second part of this question in saying that the Speaker Ban Law will injure A & T College if the college loses its accreditation status.

The privilege that our students enjoy now of transferring their credit and entering graduate and professional schools would be placed in jeopardy. Presently, there are many graduate and professional colleges and universities that accept our students and our credit but this is done with the understanding that we have regional accreditation. In addition, since this status would affect the admission of our students to other colleges and universities, it would also affect the scholarship and fellowships which are now being awarded for further study.

Under advanced training, more and more of our faculty members are taking advantage of convenient opportunity of studying at one of the three branches of The University of North Carolina. We also use many of the University faculty members in our seminars, lectures, and other programs. If the Speaker Ban Law affects the recruitment of faculty at the University, it will likewise affect our educational program at A & T College. It is my belief that if anything affects the strength and freedom of the University to seek the truth, it will reflect itself in the program of other colleges in the State.

The recruitment of faculty at The Agricultural and Technical College would become extremely difficult if the College is placed on probation or loses its regional accreditation. Generally, the best professors are attracted to the academic communities which offer them the greatest freedom to seek the truth and the greatest opportunity to explore fully their

potential. The present discussion about the Speaker Ban Law has caused some of our prospective faculty members to ask questions about additional limitations which may be imposed upon academic freedom and upon their opportunity to develop fully their potential.

It is my personal feeling that the Trustees in the several institutions should have the authority of regulating the speakers on our campuses. I would also say personally that, as one writer has said, "Truth is not a cripple, it can walk alone"; and, likewise, like truth, I believe that Democracy can walk alone also, and that exposure to all sides of a question, as we have in a free Democracy, is the best possible way of strengthening the belief of our students and our people in our way of life. Thank you.

Chairman Britt: Thank you very much, President Dowdy. Is there any member of the Commission to my right that desires to ask any question of President Dowdy or Mr. Frazier?

Senator Kirby: I'd like to ask a question.

Chairman Britt: Senator Kirby.

Senator Kirby: Gentlemen, in each case, these are your own beliefs and no official action has been taken; is that correct?

President Dowdy: Correct.

Senator Kirby: Well, let me ask you this. Has there been any problem along the line of inviting communist speakers to A & T College? Have you had that problem come up at all?

President Dowdy: No, we have not.

Senator Kirby: That's all.

Chairman Britt: Any other question from any member of the Commission on my right? Any member of the Commission on my left care to ask any question of either one of these gentlemen? If not, gentlemen, we certainly appreciate your coming, and we will excuse you at this time.

Ladies and gentlemen the Commission is going to take a seven-minute break at this time and will convene promptly at 4 o'clock.

Is Dr. Bill Plemmons present? Dr. Plemmons will you come around please, sir, you and the chairman of your board. We now have coming to the platform Dr. W. H. Plemmons, President of Appalachian State Teachers College and also the..

Senator Hanes: Mr. William J. Conrad of Winston-Salem

Chairman Britt: Very fine president of his Board of Trustees, Dr. William J. Conrad of Winston-Salem, and I recognize whichever one of you gentlemen will proceed first.

Dr. William J. Conrad: Well, Mr. Chairman, since my remarks do not go directly to the two questions that you propose that we discuss in your letter, I would prefer, if you have no objections, to Dr. Plemmons speaking first.

Chairman Britt: Go ahead Dr. Plemmons.

Dr. W. H. Plemmons: Mr. Chairman, Members of the Commission, we appreciate the opportunity you've given us to come and make an attempt to answer, to your satisfaction and to ours, the questions raised in the letter which you sent to us. I shall read.

Inasmuch as it has not been determined as to what will or will not be done about the Speaker Ban Law, it is difficult, at this point in time, to

be precise or conclusive in answering the questions (1) Has the speaker ban law injured your institution, or will it probably injure your institution? and (2) If so, why?

Any injury done, however, to higher education in North Carolina has its effect on each of the institutions. So, what has been said and can be said as indicating injury to higher education in general, can be applied to Appalachian.

It is fair to state that many faculty members have become concerned and exercised about what they consider to be removal from the campus of responsibility for the local or internal management of the institution.

Both faculty and students have become exercised about what they consider to be the right to hear and engage in discussions of points of view that can be presented on a subject of such importance, from whatever source and the points of view are available.

The law has stimulated some fear on our campus that, if it remains in force, it may be followed by others considered to be abridgements of duties and responsibilities of the Board of Trustees, and of the faculty.

Several members of the faculty, and some within the administration, have stated that they would not remain connected for long with an institution which has lost its accreditation.

Persons we have interviewed as prospective faculty members have asked about the speaker ban law and have stated that they did not wish employment in a non-accredited institution. It is not known, and no attempt has been made to find out, whether or not any or how many of those who declined offers did so because of this law.

The law has created national attention of an unfavorable sort for the State and its colleges and university system.

As President of the Association of State Colleges and Universities, I have been coming into frequent contact with presidents and other representatives of institutions holding membership in this Association. Their questions and reactions can be summed up about this way:

"What has happened in North Carolina, a state which for many years has been looked upon as being one of the leaders in education, that a speaker ban law could or would be passed? Did its passage and does its continuance in force indicate a loss of interest and a lack of faith in higher education and its leadership?"

Within the past two months, the subject of the speaker ban law was raised in a telephone conversation from a Washington office. The caller was tipping me off about an inquiry made of him by a representative of a national magazine which seemed to have some interest in developing a story on the speaker ban law and the law's possible effects on the industrial growth and development of the State.

These are evidences, in addition to those you have heard already, which indicate to me that the speaker ban law has injured Appalachian.

It seems appropriate and fair to say that all of these things affect adversely the morale of faculty and students. To the extent that morale is adversely affected, the effectiveness of the academic program is adversely affected.

Should the speaker ban law result in loss of accreditation, injury would be great. I conclude that a sufficient amount has been said on this subject and that further elaboration on it from me is not necessary.

Appalachian State Teachers College does not advocate or support communist theories, doctrines, or philosophies. We deplore them, we do whatever we can to combat them and other ideologies in conflict with ours.

The members of the Commission and others will be interested, I think, to know, if they do not know already, that for the past two summers there has been held on the Appalachian campus an Institute on Constitutional Democracy and Totalitarianism. A similar Institute has been held on the campus at East Carolina College for the past three summers. These Institutes are sponsored and supported, in part, by the North Carolina Educational Council on National Purposes, Incorporated. To these Institutes come teachers and administrators of the public schools and lecturers representing various professions and agencies of government. As many evidences as can be are brought to bear on the analysis and comparison of democracy and totalitarianism, including communism. The hoped-for result is that those who participate will return to their schools and classrooms better prepared to discuss and compare the various theories and systems of government and thereby enlighten to the fullest possible extent the youth of our State about the benefits of a democratic form of government and the blessings of those who have the privilege of living in it.

That ends the prepared statement. May I say that it was intended that it be brief, recognizing the sort of schedule you were operating on today, and no attempt was made to document or present evidences such as have been presented to you in previous presentations. We recognized that the stage would be set. We tried to be specific and as concise as possible in answering the two questions posed to us. Thank you, sir.

Chairman Britt: Dr. Plemmons, we certainly appreciate your statement, its brevity, its conciseness, and strictly to the point. I would like to ask you one question, please, sir, which may lead to another. Do you now hold any office in the Southern Association organization?

Dr. Plemmons: No, sir, I do not.

Chairman Britt: Have you held an office in that organization?

Dr. Plemmons: I was a member of the Commission on Colleges for five years.

Chairman Britt: When did your term expire?

Dr. Plemmons: Two years ago this fall.

Chairman Britt: Having worked very closely with the Southern Association and on this commission, would you venture an opinion now as to what will happen to our State-supported schools in North Carolina, colleges and universities, if the Speaker Ban Law was not repealed or amended? Would you venture an opinion on that?

Dr. Plemmons: I would venture an opinion based upon precedent and upon history of the Southern Association. It is that the Southern Association will take action. That action can vary from what is known as a warning to withdrawal of accreditation. I do not propose to indicate what I think the actual action would be. I just don't know because a lot would depend on what happens between now and then.

Chairman Britt: Dr. Conrad, I mean Mr. Conrad, do you have a statement to make?

Dr. Conrad: I have a brief statement, Mr. Chairman.

Chairman Britt: All right sir, go right ahead, sir.

Dr. Conrad: While no formal action has been taken by the Appalachian Board with respect to the Speaker Ban Law, it has been discussed at length, and

the following excerpts are taken from the Minutes of the last meeting of the Board held June 30, 1965; the comments, by Mr. Vickers of Charlotte, North Carolina, on "Means to Enhance Higher Education." "The Chairman recognized Mr. Vickers, who had asked to be allowed to present a matter to the Board. Mr. Vickers stated that, as a member, he, that as a Trustee, he 'has found there is a great deal of misunderstanding among the men in the street about higher education; they do not know what the colleges are teaching or proposing to teach.' He said this came to his mind rather forcibly when the accrediting agencies notified the Government that their objection to the Speaker Ban Law was that it removed academic control of the institutions from the hands of the trustees. Mr. Vickers continued that he thought 'it might give an opportunity to this board to do something for Appalachian and for higher education as a whole by developing and issuing some statement of policy.' Such action he believes might go a long way towards helping to settle confusion which is disturbing the citizens of the State generally. I believe Mr. John Frank, who is a member of the Board, and he is a member of the Board of Visitors of Duke University, has well expressed the unanimous opinion of the Appalachian Board, as follows. Mr. Frank stated that 'he would like to associate himself with Mr. Vickers' suggestions.' The Speaker Ban Law, he thought, has 'developed into an awkward situation and a grossly wrong dimension. If we let the position of higher education be that, we are demanding the right to support communism and communist speakers, set them up on campus, sponsor their appearances, we are asking for a continuation of this hostile attitude on the part of the general public. Isn't it possible that with the help of the President and one or two faculty members, Mr. Vickers and/or others, a statement of policy might be prepared for a presentation to this Board, a declaration of our policy? We are asking the control

of our institutions be restored to us. This statement might contain, might condemn communism and other 'isms' and contain strong factual reasons, but then point out that we believe that there is no stronger way to defeat false doctrine than to expose it to the light of public examination and criticism. If a statement can be developed that will condense these things which the public condemns, but point up that the way to attack lies is to hold them up so that everyone can see how false they are, it could prove very helpful. Instead of demanding a blank check, we can present other approaches and solutions.' Mr. Frank continued by saying that 'We owe it to the public to make a statement of what the position of the Trustees is.' 'Personally,' he said, 'I would lean toward letting Dr. Plemmons, Mr. Vickers, and any faculty members that they choose develop a statement and submit it to the Board of Trustees. If we are to recover the responsibility we have lost, it seems to me we should request that our responsibility be restored and that it would be exercised with care and diligence and in harmony with the purposes and functions of higher education and the aims and hopes of the people of the State.' The Chairman stated that he would like for the President of the College, some of the Trustees, and a few members of the faculty to work on this and develop something for our discussion and consideration perhaps at our next meeting." That is the rest of the Minutes. During the twenty-four years I have served on that Board, to my knowledge, no public speaker who would have been disqualified by the Speaker Ban Law has ever appeared on the campus, and under the present Administration, so ably headed by Dr. Plemmons, I cannot conceive of any change in that record. Thus, it appears the law has had no effect upon the policy of this college except a very disquieting one due to the possible loss of accreditation. Should you ask what action the Trustees will take in case the law is repealed or amended, I

cannot tell you. The Trustees will have to speak. However, I can assure you it will be dealt with in a manner which will preserve the past traditions of Appalachian and higher education.

Chairman Britt: Thank you, Mr. Conrad. Any member of the Commission desire to ask a question of Mr. Conrad or Dr. Plemmons? Mrs. Swindell is recognized.

Mrs. Swindell: Dr. Plemmons, while you were on the Board of the Southern Association, were there any colleges threatened or put on probation, or was accreditation taken away from any college while you were on that Board?

Dr. Plemmons: Well, in every session that I remember attending, accreditation was threatened for some reason or other; for failure to meet a standard here or a standard there, but I am making the assumption that you have specific reference to something relative..

Mrs. Swindell: Some political rather, not educational at all or standards as to quality, but political as this evidently certainly is?

Dr. Plemmons: I was a member of the Commission at the time the decision was reached regarding the colleges and universities, State-supported, in Mississippi.

Mrs. Swindell: And were they put on probation first and then the accreditation? What was the procedure there?

Dr. Plemmons: No. They were put on what was called "extraordinary status," that is a day-to-day watchfulness of the situation, Mrs. Swindell.

Mrs. Swindell: And eventually they were restored?

Dr. Plemmons (Interposing): Eventually, the last time--I was not a member of the Commission at the meeting a year ago because that was after my term had expired--but the report, as I recall it, indicated that the situation in Mississippi was relatively satisfactory and that no further action was contemplated.

Mrs. Swindell: Well, then, they were put on special and that was the only college?

Dr. Plemmons: "Extraordinary status," it was called, as I remember the phrase.

Mrs. Swindell: Thank you very much.

Chairman Britt: Any other question? Senator Hanes.

Senator Hanes: Dr. Plemmons, your Institute on Constitutional Democracy and Totalitarianism has been very successful, I believe.

Dr. Plemmons: We think so.

Senator Hanes: Under the present law, it would be illegal for you to have a totalitarian to appear in debate there and explain totalitarianism?

Dr. Plemmons: In terms of the conditions of the law, yes, if he were a known communist or if he had taken the Fifth Amendment in relation to communism.

Senator Hanes: Might it not be helpful for the interest and for the debate and, as a matter of fact, convincing, if it were possible, say, at one of these Institutes on Constitutional Democracy and Totalitarianism, if it were possible, for example, to persuade the communist to let Mr. Krushev out,

and if we could get him in to appear and debate freely on the campus the question of totalitarianism vs. capitalism or democracy, or what you will; as a matter of fact, in the situation he now finds himself, you might convert him?

Dr. Plemmons: I do not know Mr. Krushev's particular leanings at the moment, but I would be inclined to think that he might be available.

Senator Hanes: But wouldn't it be helpful if you could invite anyone you wanted to represent any point of view in this discussion and debate?

Dr. Plemmons: In terms of the purposes of an institution of higher education, the answer to the question is yes.

Senator Hanes: For instance, the Russian Ambassador might appear?

Dr. Plemmons: Or someone from the Soviet Embassy in Washington or someone else. The answer to your question is yes.

Senator Hanes: And probably your attendance would be greater as a result?

Dr. Plemmons: As a matter of fact if we could, we'd like to charge admission to that because we need income.

Senator Hanes: Thank you Dr. Plemmons.

Chairman Britt: Anyone down here? Dr. Fisher.

Rev. Fisher: Dr. Plemmons, I know that Appalachian turns out a great many very highly qualified and trained teachers for our public schools. Now, would probation or the loss of accreditation pose any problem, either within the State, or a teacher going to another State?

Dr. Plemmons: Is that, excuse me.

Rev. Fisher: Would this, say, if you were to be either put on probation or were to be disaccredited, would this pose any problem for these teachers...

Dr. Plemmons: It wouldn't.

Rev. Fisher: In relation either to this State or their certification in another State?

Dr. Plemmons: I think the situation might be different in North Carolina than that in other States because if the law prevails, of course, we shall abide by it, as we have done heretofore, but I'd make the assumption that certification requirements in North Carolina might be in line with the law. I am talking about this specific law. I think it would pose rather serious problems of those who want to teach outside the State and who would seek employment out of the state. That, again, would be left up to each individual State, however, Mr. Fisher, but graduation from an accredited institution is generally one of the things required for certification within a particular State.

Rev. Fisher: This was my assumption, the reason I asked the question. Then, it is your judgment that outside this State this could pose a very difficult problem..

Dr. Plemmons: It could.

Rev. Fisher: For teachers?

Chairman Britt: Mr. Thornburg.

Representative Thornburg: I have one question, Dr. Plemmons. Do you recall what the result of this special status was on the universities and institutions of higher learning in Mississippi at the time you were a member of the Commission, what effect it, this special status had on the faculty, the student body, the standing of these institutions in the United States?

Dr. Plemmons: Of course, I did not visit within Mississippi after this, for, well for any reason. I started to say to try to find out. But for any reason I don't recall that I have done anything more than fly over Mississippi since that time. My impression is in talking with those in higher education and in public education in Mississippi, is that the extraordinary status had a rather wholesome effect in that it helped to stabilize the situation in Mississippi and quiet a great deal of unrest, and it was felt by those within the institutions of higher education, State-supported in Mississippi, that they had help and support from an agency which was greater than their own. I think I may add this, even though it is gratuitous--you didn't ask it--that the communications to the Commission from the Governor and his representatives were full of specific assurances that matters of admission, which was the primary purpose, which was the primary reason for all of this, and other matters relating to higher education, would be left with the Board of Trustees within the State, and that there would be no further interference on their part.

Representative Thornburg: Was there any immediate effect on the programs of the institution, the quality of the instructional program to your knowledge?

Dr. Plemmons: No, not to my knowledge.

Representative Thornburg: Any immediate out migration of the faculty?

Dr. Plemmons: Yes. As to the numbers, I do not know. I understand that almost the entire department of chemistry left; I know that one or two of the persons who left the University of Mississippi, statedly because of this, went to the University of Chicago. I know others left; I know we got inquiries; I know we employed two or three that I don't think we could have gotten otherwise, and we got many inquiries from Mississippi indicating that they were looking for places to go. I think, however, the extraordinary status helped to quieten that down, and I doubt if Mississippi lost as many faculty members--I'm talking about the State-supported institutions--as a result of that extraordinary status as if it had not been applied.

Colonel Joyner: Wasn't that extraordinary state that you described am I correct in it. The Governor was threatening personally to go and interpose personal, his/physical opposition to the admission of a student that had been approved?

Dr. Plemmons: Either he or his representatives, sir. Yes, sir.

Colonel Joyner: He, as an individual, the Governor of the state, was interfering with the operation of the University?

Dr. Plemmons: He and, as I say, representatives of the State Government, yes, sir.

Representative Thornburg: Let me ask one clarifying question. If I understand what you are saying also, Dr. Plemmons, is that this condition which the Southern Association found to be offensive was corrected?

Dr. Plemmons: To the satisfaction of the Association, to the extent that no further action was taken, yes.

Chairman Britt: Any other questions of Dr. Plemmons and Mr. Conrad? If not, thank you very much gentlemen. You have come a long way to be here, and we appreciate your presence.

Dr. Plemmons: It's just as long back.

Chairman Britt: Now we recognize at this time representatives of Asheville-Biltmore College and ask please that Dr. Highsmith, President of that institution please come forward.

Dr. William E. Highsmith: Mr. Chairman, Mrs. Swindell, and members of the Commission, our Board chairman, Mr. Manley E. Wright of Asheville had planned to be with me today to appear but he was unavoidably detained because of business matters and asked that if the Commission would permit, he would like for me to read a statement from him. May I do that sir?

Chairman Britt: I hope it's brief.

Dr. Highsmith: Pardon.

Chairman Britt: I hope its brief.

Dr. Highsmith: It's less than one page, sir.

Chairman Britt: Go right ahead sir.

Dr. Highsmith: The General Assembly of 1963 approved the conversion of Asheville-Biltmore College from a community college offering a two-year program to a senior institution authorized to award baccalaureate degrees. This change of status provided for an entirely new board of trustees, which came into existence on July 1, 1963, and assumed from the previous community college board the authority and responsibility for operating the college.

Since the Speaker Ban Law was in effect prior to the existence of the current board we have not had the authority or responsibility for providing regulations concerning visiting speakers on the college campus in categories covered by the Speaker Ban Law. At the April 15, 1965, quarterly meeting of the Board of Trustees we passed a resolution stating that we would support an amendment to the Speaker Ban Law which would place in the hands of the Board the authority and responsibility for adopting regulations concerning visiting speakers.

The Board of Trustees of Asheville-Biltmore College is composed of leading and responsible citizens of our section of the state. We believe that we can, in cooperation with the administrative officers of the college, develop such regulations concerning visiting speakers that will be consistent with the principles of institutional autonomy and, at the same time, insure the safety and security of the people of the State of North Carolina.

This is the statement from Mr. Wright, sir. In the statement that I would like to make, sir I have not gone into matters pertaining to freedom of speech or academic freedom or the purposes of institutions of higher learning because I knew that that was going to be covered and covered quite adequately and as I found this morning eloquently. I would like to say, however, that I do subscribe to those statements about the ultimate purpose of an institution of higher learning as expressed today.

Asheville-Biltmore became a senior college on July 1, 1963. At the February, 1964, meeting of the Board of Higher Education we received approval for instituting a new, and in many respects, an experimental type of program.

As we see it, the most important and acute problem facing higher education in the United States, and in North Carolina, is how we can improve the quality, content, and relevance of college and university curricula and, at

the same time, accommodate an ever increasing number of students. We have addressed ourselves to this problem in several ways which are not necessarily relevant to the subject of these hearings. The development of experiments and imaginative approaches to higher education calls for an able and imaginative faculty. We have made progress in this direction. We have, on our faculty persons educated in North Carolina as well as many other states. Because of the high reputation of the institutions of higher learning in this state we have been able to make a beginning towards the development of an excellent faculty. These people have confidence that the General Assembly and the people of this state will continue, as they have in the past, to support a system of higher education which has the general reputation of being the best in this section of our nation. This enviable position was earned under the direction of the various boards of trustees and with the support of the General Assembly and the people of the state.

As a new senior college, which is scheduled to graduate its first senior class in June of 1966, we view the discussion concerning the accredited status of the state institutions with considerable alarm. At the December, 1962, meeting of the Southern Association of Colleges and Schools, a procedure was adopted which outlined steps whereby an institution, newly accepted for membership, could receive accreditation after three graduating classes which would be retroactive to the year of the first class. This is extremely important to our graduates of 1966, 1967, and 1968.

To the question of how the Speaker Ban Law has affected, or will affect, Asheville-Biltmore College, which is the question we were asked to address ourselves to at this meeting, our answer is very simple:

1. It has diverted attention from the ongoing task of developing a new senior college.

2. It has caused concern on the part of many members of our faculty in reference to the traditional locus of authority in a collegiate situation; and
3. The prospect of our college not being eligible for accreditation, through no action or negligence of our own trustees, faculty, or students, is unpleasant to contemplate. We do not believe that we will be attractive to either students or faculty unless we have recognized accreditation. Thank you, sir.

Chairman Britt: Any member to my left care to ask Dr. Highsmith a question? Any member to my right? Dr. Highsmith, we appreciate your coming. You have come a long way and we're very much indebted to you for coming. Thank you, sir.

At this time, I would like to recognize representatives of East Carolina College, and I note coming to the platform President Leo Jenkins, of that fine institution, and Chairman of the Board, Senator Robert Morgan, whom, I believe, has appeared before this Commission before. Whichever one of you gentlemen is to have charge will proceed.

Dr. Leo Jenkins: Mr. Chairman, and Members of the Board, I would like to do three things very quickly, and I, too, recognize the time element. I would like to make a few personal statements. I think that our problem is essentially one of faulty communications. We in the academic community, I don't think, have been able to convey to the rest of our people exactly what's happening. We have failed to recognize that there are many publics in North Carolina, and I believe we have spent altogether too much time convincing ourselves that we were right on this issue. I think we have permitted it to become an eristic type of controversy and we've got away from the heuristic. I

believe as I told our faculty on Monday, and I think they agree with us, that we have not succeeded in showing that Homo-academicus is also Homo-Sapiens, and I think that we put ourselves up in "here's a group and here's / society,"^{the rest of} and I hope that we can dispel a little bit of that. I know that when we formulated the statement that I am going to make on behalf of our Board of Trustees, we had in mind that we had to bring a message not only to this Commission, but we had to bring a message to the people of the State of North Carolina, and we debated with that thought in mind. Now, I should remind you that when this law was passed, if I am not mistaken, I was the first college president to speak out against it. Now, at that time, as I look back, accreditation was the farthest thing from my mind. I didn't even dream that there would be a relationship here. I should have, but I didn't. I'm being very honest with this Committee. But I was thinking in terms of my experience in the Military, and that was one that we must never show fear to an enemy. And it was also based on my knowledge of the people at East Carolina College, the faculty, the student body, our Board of Trustees, and everyone else; and I said to myself, 'Well, this is something that is not needed insofar as we are concerned, and I was rather lonely for a period there. Others joined me in speaking out; but during this period of loneliness, I wondered whether or not I had made a mistake and I wrestled with myself and I talked with our faculty. I had a letter from the A.U.P., commending me on my action and it made me feel a little bit more assured. And as I talked to our Student Government and these young people and their minds, etc., I began to feel that probably I didn't make a mistake. Now, the second thing I would like to do is answer your question specifically, Mr. Britt, that you directed in a letter. You said, in effect, "Has the Speaker Ban Law injured your institution or will it probably injure your institution?"

I feel that I cannot speak for the faculty, so I took their question and had it reproduced and administered to them, and I will put that in evidence today if you would care to have it because I have it here. The President of our Student Government is in possession of it now. We have approximately 415 people on our faculty. 281 returned the questionnaire, and 238 said yes, that they felt, for various reasons, that this law did affect our institution. 31 said no; 12 had no opinion. Now, by far the largest, and I ask why, in response to your questions--by far the largest number of objections to the Speaker Ban Law involved the question of accreditation. Closely related to this matter of accreditation was the matter of loss of funds through Federal grants and private foundations, and we know how colleges are confronted with the problem of potential loss of funds. We had a recent experience with the Civil Rights Act wherein we almost lost nineteen Federal grants. So we are very cognizant of this. The teachers said that future opportunities for our students would be restricted through loss of accreditation, and testimony to that effect was given previously. Prospective faculty members have refused to teach in North Carolina colleges because of publicity, and the possibility of non-accreditation was listed by some as a reason, and the college also faces the fact that non-accredited colleges are not permitted to participate in athletic conferences, and we are a new member in the Southern Conference and that was a source of worry to some of them. Now, I want to do the third thing, and I promise to be succinct, and I am trying to. We submitted, not we submitted, we developed at our Board of Trustees' meeting a statement that has the unanimous approval of our entire Board. Now, I should tell you that our Board is composed of two members of the Legislature. That it's a very distinguished Board, and we are fortunate to have it--the wife of a Legislator, who is also a member of

your Committee; the wife of an ex-Governor, Mrs. Terry Sanford; three distinguished editors; three highly successful business men, including the former President and Chairman of the Board of Liggett & Myers Tobacco Company, and one of North Carolina's distinguished lawyers, Mr. Irving Carlyle, who is also Chairman of the Board at Wake Forest. I bring this point out to let you know that these people did not rubber-stamp anything. We discussed this statement at great detail, with the thought in mind of conveying a message to you and to the people of North Carolina, and here is the statement which was approved unanimously.

East Carolina College has shown and continues to show a marked pre-disposition not to find it necessary to have communists appear in person on our campus in order to enable our teaching staff to teach about communism. It is, however, very vital to our success in supporting our free society against our enemies that institutions remain free to examine these enemies to any extent that will serve our purposes and not theirs. And that was a very important point in the statement. For these two reasons, essentially, I am recommending that the Board of Trustees be charged with the responsibility of establishing policies regarding speakers on our campuses. Our appeal is that this responsibility be returned to the Board of Trustees.

Intensive research through every source available to us reveals that no speaker who is a known communist, person who advocates the overthrow of the constitution, or pleader of the Fifth Amendment has ever spoken or been invited to speak on the campus at East Carolina College. Our college community has done a good job of removing the glamor from the ideas of communists. This should not be construed, however, to mean or to indicate an unawareness of the need to know as much as possible about communism. We appreciate fully the military axiom that the best way to fight an enemy

is to know him. With this in mind, we conduct each summer an Institute on Constitutional Democracy and Totalitarianism; these extensive workshops are conducted under the sponsorship of the North Carolina Educational Council on National Purposes, endorsed by the State Department of Public Instruction, and supported by the American Bar Association, civic groups such as the North Carolina Junior Chamber of Commerce, the Richardson Foundation, and leading business concerns such as Wachovia Bank, First Citizens Bank, First Union Bank, Northwestern Bank, Branch Bank and Trust Co., Carolina Power and Light, Duke Power, Southern Railway, Atlantic Coastline, Virginia Seaboard, Jefferson Standard Life Insurance Co., Durham Life, Carolina Telephone and Telegraph, Southern Bell, W. H. King Drugs, Burlington Industries, Spindale Mills, and Roses Stores are the people who made this possible. A permanent part of the Institute program is a lecture by a representative of the Federal Bureau of Investigation on communist subversion.

No thinking citizen questions the dedication to the American way of life of these above-named organizations who are making possible this instruction. This instruction is by people very knowledgeable of the aims, objectives and techniques used by communists. This, to some extent, reveals that we do not subscribe to the proposition that a student must see a communist in the flesh in order to know one. Our dedicated faculty has joined the issue in the past, during the entire history of the college, without inviting communist speakers to the campus and they will continue to join the issue even if our enemy is not present. Furthermore, they will continue to support our system against communist dictatorship. The important thing to consider here, however, is that this process goes on with or without the Speaker Ban Law. This has been going on for many years. We have demonstrated and will continue to show that the job of teaching about

communism can be and has been done without the teaching device of a real live communist to serve as our foil in the argument.

I mention all this to reveal to the public that our disinterest in inviting communists before the law to regulate visiting speakers was passed abundantly attests to our continued predisposition to make the point without inviting a communist and giving him a shadow of a chance to make his point. We are fully aware that when a communist appears he will try to turn the experience to his own advantage. This predisposition, too, continues with or without the law, regardless of whether this decision is made by legislative action or by the Board of Trustees. Out of quote here, what I am trying to say is that the academic community has historically recognized its responsibility and we are very much a part of America and very much interested in preserving it.

Our faculty over the years has proved that its love for the American way of life is as real, as genuine, and as intense as that of any other group. Many of them have distinguished military records and some have sacrificed their lives to remain, to maintain our democratic institutions. In fact, in some disciplines, such as political science and sociology, an understanding of the implications of philosophies that would destroy us is often attained and understood before the general public even knows of their existence. Personally, I learned of the probable frightful consequences to the world of Japanese imperialism and German facism from college professors while many sincere groups in our land were still embracing them.

Our basic question, one basic question that must be faced in connection with the so-called Speaker Ban Law goes beyond the discussion of communism and I haven't heard it discussed too often here, but we do want to include it in our presentation. No person, communist, socialist, democrat,

republican, or one of any other political persuasion, has "a right" as such to speak to an audience of college students. The Speaker Ban Law neither adds to nor subtracts from this "right" to speak to a college audience. All speakers come by invitation from the administration, from the faculty, from the staff or from some other group operating officially under the control and responsibility of the college administration. This authority from our people has been historically delegated to the various colleges in North Carolina. One fact is pertinent here: When the College invites any speaker it is not primarily to provide a speaker with a forum for airing his views; it is to allow the college community to examine and criticize what he has to say and we have not put that very important lesson across at all. The college does not invite speakers unless hearing them would serve a college purpose. That applies to anyone. It is this need of the college community to examine the views of various people, even our opponents' views, that we are concerned with here. In stating this need to examine, we emphatically are not defending the right to have communists invited. As I stated earlier, the college community has done a good job of removing the glamor from the ideas of communists. The only time I can see the need for ever inviting a communist would be the overriding purpose of de-glamorizing his ideas further with the thought of serving our American ends and in a collegiate community, that time may well arise. Our college communities are willing and able to answer the communist arguments in a public debate. Outside this paper, and personally, I think they would be the easiest people in the world to debate, because we have so much going for us, and they have so little going for them.

The proposal that I have made recommending that the Trustees control speakers is to assure the right of the college community to inquire into

ideas it needs to understand. If it develops that the speaker's ideas are of no use to the college, he will not be invited. In view of the fact that the presence of persons catalogued in the Speakers Ban Law has not been needed in the past fifty-six years, which spans the entire lifetime of this college, I cannot see this need developing in the foreseeable future.

We recognize from the start that our college is owned and operated by the people of the state of North Carolina. This is accomplished through their representatives in the form of twelve distinguished citizens on a Board of Trustees appointed by the Governor with the approval of the General Assembly. We have extreme confidence in the Governor, in the General Assembly, and our Board of Trustees and feel a solution to the problems associated with speakers on our campus should come from this appointed Board. I have shown that the Board has historically discharged its duties faithfully and vigorously and has represented the people of North Carolina well in all of the policy decisions it has made over the many years. I feel certain it will continue to do so with this additional responsibility.

Finally, I might add that from all the evidence I can gather from the various officials who have appeared before this Commission, including Mr. Plemmons, my predecessor here, this delegation of responsibility should remove any of the criticism now expressed by various accrediting associations, and should eliminate any of the harm, both real and assumed, that has come to East Carolina College as a result of the present law. Thank you, Mr. Chairman.

Chairman Britt: Senator Morgan.

Senator Robert Morgan: Mr. Chairman, Mrs. Swindell, and gentlemen of the Committee, President Jenkins has stated to you the position of the Board of

Trustees of East Carolina College. At a regular Board meeting, at which I presided on Tuesday, August 31, 1965, he read the prepared statement to the Board and its content was discussed; and after a full, complete discussion, the Board approved the statement for presentation here today as its position. Mr. Chairman, at the risk of being repetitious, I believe that there are three points in the statement which I think stand out and bear repeating. First, he said, and I quote, "intensive research through every source available to us reveals that no speaker who is a known communist, person who advocates the overthrow of the Constitution, or a pleader of the Fifth Amendment, has ever spoken or been invited to speak on the campus of East Carolina College and we do not subscribe to the proposition that a student must see a communist to know one." This has been our position for the entire history of the College. Second, I would re-emphasize that we recognize the importance of knowing our enemy. We were the first college in North Carolina and one of only two now and one among the first in the Nation to conduct workshops on Constitutional Democracy; and, as our President has stated, these workshops are sponsored by many of the substantial business corporations of the State, and a permanent part of the program is a lecture by a representative of the Federal Bureau of Investigation or some other loyal American on communist subversion. President Jenkins said our dedicated faculty has joined the issue in the past without inviting communist speakers to the campus, and they will continue to join the issue. And, third, allow me to quote from President Jenkins again, when he said, "I mention all of this to reveal to the public that our disinterest in inviting communists, before the law to regulate visiting speakers passed, abundantly attests to our continued pre-disposition to make the point without inviting a communist and giving him a shadow of a chance to make his point." Now, Mr. Chairman, when I appeared before this Committee previously, I stated that I would have

preferred, as I was sure that every member of the Legislature would have preferred, that the situation had never arisen that brought the Legislature to pass the law now in question. With Senator Hanes at the hearing, I discussed the manner in which the situation was handled at the University of South Carolina. There you will recall that from the letter of the President, that when he learned that Carl Braden was to speak, he called in the student leader of the organization sponsoring it, discussed it with him, and Carl Braden did not appear. Also, at the previous hearing, Mr. Chairman, Mrs. Swindell asked if the Legion would be willing to give the authority back to the Trustees to handle, that is, the authority to regulate visiting speakers. I replied that in light of the apparent indifference and lack of action on the part of some of the Boards of Trustees, that the Legion would not like to see that done. And, again, Mr. Chairman, as early as July 4, 1965, in an Independence Day address at the installation of the State Department Commander for North Carolina, I made this statement, which I would like to read. I said then, and I quote, "I do not believe that our people want such use of our college platform"--referring to those people prohibited by the law--"And I am frank to say that those of us who are Trustees of State-supported colleges must show sufficient interest and concern for our responsibilities before we may expect a return of the power by the Legislature, so that we may then provide policies concerning such use. I think that most of our college Boards do a good job, but I must recognize that the people have lost confidence in some of the Boards to clean their own houses. These Boards must demonstrate first a full understanding of their responsibilities by laying down policies and carrying out those policies in conformity with American traditions. When they are willing to do this, and only then, can they expect or will they be entitled to the return of the

Authority which they seek." The position taken by our Board of Trustees at East Carolina College last week will be reassuring, I believe, to the members of the General Assembly of North Carolina, and I have confidence that in light of information brought out in these hearings that many other Trustees will make similar positions or like positions known; and, again, speaking personally, as I did on July 4, let me say that when we are willing to do this, and only then can we expect or will we be entitled to the return of this power by the Legislature of North Carolina. Thank you.

Chairman Britt: Thank you very much, President Jenkins and Senator Morgan. I'd like to ask just a question or two here. I gather, then, President Jenkins, that it is your feeling that this matter should be left up entirely to the Trustees of the respective institutions?

Dr. Jenkins: Yes, sir.

Chairman Britt: Is that your position?

Dr. Jenkins: Yes.

Chairman Britt: Is that, do you construe the statement that you have made on behalf of your Trustees as being the position of your Board of Trustees?

Dr. Jenkins: It's the unanimous position of our Board of Trustees because this statement was debated back and forth to some extent when we met, and we realize that it's common procedure and it has been historically true in North Carolina and throughout the Nation, for the various Boards to determine policy. The Boards in turn listen and take advice and guidance from, but they are not bound by the administration and the faculty, and the students, but it is a problem that can be faced and has been faced by our

various Boards; at least, I'm talking in terms of East Carolina College. I am not familiar with other Boards. But it has been faced by our Board successfully.

Chairman Britt: Dr. Jenkins, to accomplish that, of course, it would be necessary to either repeal the Speaker Ban Law or to amend the Speaker Ban Law, wouldn't it?

Dr. Jenkins: I would say it could, either one, if it were repealed, we'd go back to where we were before the law was passed. To be repealed and send it back to us, of course, is one of our requests.

Chairman Britt: Yes sir. Senator Morgan, as Chairman of the East Carolina Board, I assume that you concurred in the statement that was read and as interpreted by Dr. Jenkins. Is that your position now? That the Speaker Ban Law should be amended or repealed so as to accomplish what we have just said?

Senator Morgan: Mr. Chairman, it is our position that the authority should be returned to the Board of Trustees at East Carolina College. We were speaking of our College. It is my position, personally, that if the other Boards, as I said on July 4, reassure and restore the confidence of the people, that it will be returned, but not until then.

Chairman Britt: Senator Morgan, assuming, then, that the Boards of Trustees of each and every one of our institutions would submit a proposal to carefully regulate and govern this matter of visiting speakers, do you feel then that this Commission would be justified in recommending to the General Assembly, and the General Assembly would be justified in amending the Speaker Ban Law accordingly?

Senator Morgan: Mr. Chairman, if the proposal contains substantially what ours contain, I believe that the Commission would, and the Legislature would, repeal it; and when I say that, I mean this, that President Jenkins said--that in our whole past history we had never allowed one or invited one to come on to our campus, that we subscribe to the proposition--we do NOT subscribe rather to the proposition that a student must see a communist in the flesh to know one, and our statement also contains the position of the Board that we have no predisposition now to invite them. And I believe that if the position of the other Boards was as clear, I believe that the Commission would be justified and the Legislature would adhere.

Chairman Britt: Senator Morgan, it's a matter of record that some of our institutions have had communist speakers on the campus, therefore cannot meet the record of East Carolina College on that score. Now, is it your position then that it would be necessary for the Trustees of those schools to adopt regulations at which to say they would not be permitted to come on those campuses?

Senator Morgan: I believe, that it would be necessary, of course, they could not, Mr. Chairman, refer to the past, but I believe it would be necessary for the various Boards to give some assurance to the public that they are aware of the danger and that they are willing to regulate it, and I would say preferably, speaking again personally, that they would not allow them to return. Now, of course, there I am speaking personally.

Dr. Jenkins: Mr. Chairman, I can talk to that point if you want me to.

Chairman Britt: Go right ahead Dr. Jenkins.

Dr. Jenkins: We have in the last page, I believe, of this statement, that we approved that it would be only under conditions such that it would be definitely to the advantage of our institution and our State, and they would have to be in possession of certain types of information that we could not get otherwise, and I think our Board, logically as this would be developed, would develop rules and regulations governing that so that a member and senior/of the faculty would be present/ open forum, and so forth and so on. But there would have to be definite evidence presented that this served our purpose, and not theirs, and that they had information that was unique that we could not get from another direction, which I believe would be a rare case under this type of thing; not because of any regulation but because of the integrity of the faculty not wanting them.

Chairman Britt: Senator, do you subscribe to the statement, that President Jenkins has just made?

Senator Morgan: Mr. Chairman, I can, I do believe that there are times when you might possibly want to invite a communist to the campus, such as Senator Hanes brought out earlier. But I do not believe that it should be a matter of policy that any and every communist that wants to speak on the campus should be allowed to come, or that may happen to be invited by any particular group.

Chairman Britt: Senator Hanes has a question.

Senator Hanes: Well, I feel as though the clouds have opened up and the sun has come bursting through. I think you've taken a position that nobody can disagree with. For example, suppose there is a communist who happens to be in possession of certain facts with regard to micro-biology and he's invited to speak to the graduate students on his specialty and he knows

more about micro-biology, or certain areas, than anyone in this Country. This would not be unreasonable then as long as someone were present to make sure he didn't make a political harangue.

Dr. Jenkins: That would fit into our formula very well, Senator, because we said, in effect, that it would have to be on conditions that would be to our advantage and it would not be an opportunity for him to do anything except to give us an opportunity to deglamorize what he is saying if he happened to go political; so it would be to our advantage, and I think, frankly, we'd go further than that. If what he had to say was available in public journals and we had an opportunity to get it without his presence here and knowing the feeling of the people in the State, I honestly believe, think our faculty would not have any desire to invite him; neither would our students.

Senator Hanes: I recognize the fact that you and Senator Morgan have wrestled with your souls arriving at this meeting of the minds, and I want to thank you and commend you and say for the first time I see a glimmer of hope in this whole thing, and I agree with your position.

Senator Morgan: If I may, Mr. Chairman, I'd like to thank Senator Hanes. I believe that our position is sound. What I had to say previously is a matter of record, and so that my position may be crystal-clear, I would like to file with the Committee a copy of the prepared speech which I made in July 4th concerning my views that when these institutions and their Trustees restore the confidence of the people that then and only then could they expect the Legislature to return such power. Mrs. Swindell, I believe I made essentially the same speech in Wilson.

Chairman Britt: Mrs. Swindell do you have a question of either of these gentlemen?

Mrs. Swindell: Well, yes I'd like to ask Dr. Jenkins. For your Board of Trustees at Eastern Carolina College, your definition of academic freedom does not include having to provide a forum for the advocates of communism. Is that correct?

Dr. Jenkins: I wouldn't think that would be necessary at all when we are searching the truth. That need not be interpreted as license. Number one that need not be interpreted as license. As I think I told one newspaper fellow, to go back to Oliver Wendell Holmes' statement. It doesn't mean that one has the privilege of yelling fire in a crowded theatre and the professors know that. I think the thing that we have not brought out enough is the inbuilt integrity of a faculty. I mean, these people are very dedicated citizens. They are involved in their community and they want to do what they think is right. Now, they are going to exercise restraint in this thing. If they are seeking a certain bit of truth and they feel honestly the only way they can find this is through communist "A" let us say, a communist, we would have no objection to their seeing it that way because they will anyway you see.

Mrs. Swindell: But I am not speaking of scientists, I'm not speaking of people like that; I am speaking of people who do speak who are advocates of communism and would like to come and speak; who have that on the campuses and let your boys and girls get up and bat them down; you would do not feel like your definition of academic freedom does not include having to provide a forum for advocates of communism? Now, I'm not speaking of scientists.

Dr. Jenkins: No, it would only include if it could be used for an educational purpose that was ours.

Mrs. Swindell: That's what I wanted to make clear.

Dr. Jenkins: If our faculty could show that this was one illustration. For example, to take a hypothetical case for fun here; we were to say, 'we want to show you how a communist can lie, would you like to hear that?' So we invite someone there and play it straight and condition our people to it. That type thing no one can substitute for such a situation. But I should remind you this, that we still have many tools that can be used in teaching communism as it is. For example, the gentleman came down--he was either from the Voice of America USIA; I believe he was..

Mrs. Swindell: I heard him.

Dr. Jenkins: You know that fellow; he does a marvelous job of portraying a communist in action.

Mrs. Swindell: That's correct.

Dr. Jenkins: Our youngsters can learn a great deal from a person of that type. I think this formula would apply to the academic community that if it can be proved that we benefit, by we I mean, our college community, our State--if we are the beneficiaries, then we would entertain this.

Mrs. Swindell: But you wouldn't let them just speak under this broad statement of academic freedom?

Dr. Jenkins: No, not only communists, that would apply to anyone who is peddling anything.

Mrs. Swindell: Well, have you ever turned down anyone to speak at Eastern Carolina College?

Dr. Jenkins: Not to my knowledge. I don't think that the faculty has invited any that would have fallen into that category.

Mrs. Swindell: You've never had anybody to ask you for that invitation?

Dr. Jenkins: No. We have had people on either side of this that were extremely to the right and I think some would be classified as being to the left; but never those who were catalogued under this law. Now, we have in the past, not through regulation--and that point must be made clear--these things are better argued than they are regulated--we in the past have had a case where we thought a speaker was merely going from campus to campus shaking down the youngsters for a good fee, and had little to say. I talked it over with our faculty, I mean with our students. I said, "Why don't you call the bluff of this fellow if he says he's only here to bring you a great message?" And this was a message to the extreme right as a matter of fact, it wasn't left, and a message to the extreme right. I said, "If this fellow is sincere, see if he will come for nothing." Well, he was caught, he came for nothing. So we saved ourselves \$1,800. That could not be handled through regulation. That's what I'm trying to say. We've got to have confidence in our college communities to have as much interest as any other group in our society.

Mrs. Swindell: Thank you.

Chairman Britt: Senator Kirby.

Senator Kirby: Dr. Jenkins, you speak of allowing communist speakers to come on the campus provided their appearing on the campus is going to be to our benefit or to the benefit of the person inviting or the group inviting this communist. Now, who is to decide about the benefit? In other words, who is to say it's to be to the benefit of the inviting group? Is it going to be the Trustees, the group doing the inviting, or who will it be?

Dr. Jenkins: We haven't established rules on this as of now. We have a faculty-student committee, who screen all types of invitations that come our way and they seek people and they try to get a balanced program because the college community deserves a balanced program; and if we were to pursue this statement, we would have to probably, the faculty would present it to us or the student body would say "we want speaker X, we know that he's catalogued under this bill"; I think we'd probably take it to our faculty senate and let these people decide "Does this man have any information we can't / ^{gather} otherwise?" Knowing the sentiment of the people of our state, ^{from the people} knowing the mandate that we have received/regarding this law, is it to our best interest? If so, we have got to explain why we are going to invite this person because we are going to be asked that question. If he can go through all that machinery, then I would take it to our Board of Trustees and say "here is the story and its been debated back and forth. This man is unique, to be sure he falls into this category, but it will be to our advantage to have him." And if we can sell our Board on that idea, I assume, knowing the history of our Board, they would probably go along with it. But it would have to be a selling job. I will say that.

Senator Kirby: Then you are saying that the Board of Trustees would have to okay the invitations of any speaker invited on these terms?

Dr. Jenkins: That's right.

Senator Kirby: Could not be any other group except the Board of Trustees?

Dr. Jenkins: Well, I suspect the Board of Trustees would delegate this authority, I suspect it would be delegated probably to me, who in turn would delegate it to some of the faculty committee. The responsibility would

probably rest with me. From a practical standpoint, I don't think we would call a Board meeting every time we wanted a speaker. We would have it and delegated, / I would be responsible for explaining why certain things happen, and I can assure you that I speak for all of our people, we would do all we possibly could to have the proper type of people there to speak to our students. To illustrate a point, Mr. Kirby, we had the Russian Ballet, as you know, on our campus since this law was passed. We checked it out. Our faculty thought it was a good thing because, here again, to our advantage we were able to get this Ballet for \$600 cheaper on a particular night because of scheduling and we thought it/^{was} something/^{that was} co our advantage to get. Well, here, again, we in no way acted in a brazen way. We wrote a letter to the Attorney General asking for an interpretation, and we wanted to know: Is it permissible? Are we in any way violating this law by having this group here? What about the event that the man might come out and make a few pleasant comments after his performance. That would be speaking. And we weren't being facetious. ^{just} We/^{just}wanted to do the right thing. We had a clearance from the Attorney General that it would be perfectly within the keeping of this law to invite such a group. But our purpose for inviting them was our advantage, not theirs. We were not giving them a chance to do anything. We thought we'd enjoy watching this Ballet perform. I don't know if I answered your question or not.

Senator Kirby: Senator Morgan, does this reflect your opinion?

Senator Morgan: Yes, Senator Kirby, it does, in light of our experience of some over fifty years, and the Administration having never invited a communist or any other person who advocated the overthrow of the Government, then we would have no hesitancy in delegating that authority.

Senator Kirby: Are you saying this would be perfectly all right so long as you'd never invite a communist?

Senator Morgan: No, I thought you were referring to the question of procedure of the Board.

Senator Kirby: The procedure and in practical effect is what we're trying to get at; how it's going to be applied?

Senator Morgan: We have complete confidence in our Administration in light of having the statement of policy, which they made here; and if, Senator Kirby, some questionable person or person who would normally be classed or covered by this bill, we would expect the President to refer it in the final analysis to the Board.

Senator Kirby: Now what I'm trying to find out is this. Are you speaking for East Carolina College, the setup at East Carolina College, or are you speaking for all of the institutions of higher learning in this State?

Senator Morgan: Senator Kirby, I am speaking for East Carolina College. I am not saying that the statement of policy that we laid down or that our Board established is the only correct statement of policy, but I am saying that it's one that our Board is willing to stand by.

Senator Kirby: And you would be for that, applied to the other institutions or not?

Senator Morgan: If the other institutions adopted a statement of policy similar to this, yes, I would be willing for this Commission to recommend it.

Senator Kirby: You could apply that to the other institutions if they would merely subscribe to this statement of policy?

Senator Morgan: Well, Senator, I don't know what you mean that I "could apply." If they adopted a statement of policy that they did not believe it necessary to bring a live communist to the campus in order to teach communism, if they adopted a statement of policy which subscribes to the fact that they had no disposition to bring any to the campus, but that in the event that the Administration of the college and the Board of Trustees thought it would serve the advantage of education, that then they would consider it, I'd be willing to buy that, and I believe that most of the people in North Carolina would. But I believe, Senator, that it would be only after some reassurance from all of the Boards that this would be the case before the Legislature would be willing to buy it.

Senator Kirby: That was what I was trying to find out, selling it to the Legislature.

Senator Morgan: I don't believe that the Legislature would buy it and personally I don't think they should until they have a statement of policy along the lines that I have discussed.

Senator Kirby: Dr. Jenkins, let me ask you just one question. The 1965 General Assembly passed a law which might give you a license to establish a medical school at East Carolina College. It doesn't establish a medical school. Now, would the loss of accreditation affect your getting this medical school set up at East Carolina?

Dr. Jenkins: I think it would be very injurious from what Dr. Dickey said this morning, and I have known that before. Most of the accrediting agencies that are members of the National Commission on Accreditation work on the assumption that an institution is also a member of a regional accrediting

agency. It is almost assumed. So, therefore, if we were no longer a member of the Southern Association, I believe that we would not attain accreditation from the Medical Accrediting Associations.

Senator Kirby: Then you take this as a serious matter?

Dr. Jenkins: Oh, yes.

Senator Kirby: All right.

Chairman Britt: Mr. Zollicoffer.

Representative Zollicoffer: Dr. Jenkins, do you believe that if East Carolina lost accreditation there would be a possible loss of faculty members at East Carolina over the next two or three years?

Dr. Jenkins: I never make a point of speaking for the people, but I will guess, and I would say, that they probably would leave, for this reason. We are in a highly competitive market. Many of the people who we are able to induce to come with us do not come for financial reasons. We try to talk them into the fact that there is freedom on this campus. And they are seeking freedom, believe me when I say that in many of the disciplines. And if they were to feel that this is the beginning of the loss of freedom, I think they would move; and, as a matter of fact, to answer your question further, I believe a lot of them are going to move anyway because of our salary schedule in North Carolina. So I might as well put a plug in for that while I'm here.

Representative Zollicoffer: I take it that if some of them would leave because of loss of accreditation, it would be harder to fill the vacancies with other qualified people?

Dr. Jenkins: Definitely so. You see here's the point. We are very close to this problem. When a fellow applies to a college, let us say, 1,000, 1,500 miles away from here, and he gets into the sticky problem of accreditation, the people on the receiving end are not quite as familiar with all of this that's going on as we are. To illustrate a point that is not even analogous. We have an institution called a training school, in Pitt County; as you know, nothing to do with correction as such it's just named "Training School"--some of the people had difficulty getting jobs in other States because of nomenclature. They said, "well, this fellow must be a correctional product, and he wasn't at all." So if people had that misunderstanding about something as simple as that, I think accreditation could be very important when people move around professionally. And as I said before, my original statement was that I saw no need for it insofar as we were concerned.

Representative Zollicoffer: And I believe you heard the testimony previously given by Dr. Plemmons and others; accreditation is involved if something is not done about this so-called Speaker Ban Law. Is that your opinion?

Dr. Jenkins: Yes, I cannot give you the straightforward opinion that Mr. Plemmons. We probably have different methods of hiring. I personally do not hire any faculty at all. Our department heads do all the hiring. Now, whether they have had that problem, I do not know. It has never been brought to my attention. No department head has told me that he lost a certain professor because of threatened accreditation and none have said that any are leaving because of that reason. So my answer would be that insofar as my personal experience is concerned with that particular problem, has not to my knowledge, hurt us. Now, if I could have anticipated that and I canvassed our Chairman, the picture might be a very different one.

Representative Zollicoffer: Well, now perhaps I didn't make myself clear. Do you think accreditation is a real issue? In other words, are you worried about East Carolina losing accreditation unless something is done?

Dr. Jenkins: Oh, yes. Accreditation is very important, and I don't think we ought to minimize it. I believe that some of the legislation--well, I know some of the legislation that is written now states in effect that money is available only to accredited institutions. You asked about the medical school before. Some of the money that we hope to get through the Federal Government will go only to schools that are accredited. You see it's written right into the law. And I believe that we would have problems in transferring. All the testimony that was given before would apply to us the same as anyone else. Even this business of evaluating a students' record, and so forth; it still puts him at a disadvantage of having his record individually analyzed, while the students from other states merely go in on their diploma--which is a difference. It would hurt us. I would say that.

Representative Zollicoffer: I take it that it would be a fair statement that if East Carolina lost accreditation it would then lose some of its faculty and have more difficulty in securing new faculty members, and therefore it would be your position that the law ought to be amended or changed?

Dr. Jenkins: It ought to be amended or changed. If it is to be amended, I would say let the Boards of Trustees make the decisions regarding this. In other words, put the authority back to the policy-making board.

Representative Zollicoffer: In other words, amend it to that, or repeal it?

Dr. Jenkins: Yes, amend it to that, or repeal it.

Representative Zollicoffer: Do you subscribe to this, Senator Morgan?

Senator Morgan: Mr. Zollicoffer, at the last hearing, you asked me if I, if this Commission should find as a fact that a large number of faculty members would leave if this law were not repealed, would I then be willing to repeal it, and my answer was no, that if their services had to be purchased at the price of allowing communists to come onto the campuses and to influence our youth, then the price would be too high. Mr. Zollicoffer, the Board did not discuss this, but it is my personal opinion. That is still my personal opinion. I still subscribe to it. That if we must do it in order to save these faculty members, it would be too high. If the statements are made, statements of policies are made by the Boards, as I indicated earlier, that contained substantially what ours did, of course, then I would favor the position of the Board and do favor the position of the Board. But I wanted to make that clear.

Representative Zollicoffer: Loss of accreditation and faculty members would then leave?

Senator Morgan: Yes, that's right.

Representative Zollicoffer: And you said, no, you'd let them go and lose accreditation? Let the faculty members go? Do you still subscribe to that?

Senator Morgan: And I still subscribe to that. I would hope that every Board of Trustees would make a statement, as I have stated earlier, and I think that's what it will take, and I don't believe that we can expect the people of North Carolina to repeal this law until such has been made.

Representative Zollicoffer: If all of the Boards of Trustees then made a

statement that they would adopt rules and regulations pertaining to these people, communists and Fifth Amendment pleaders, if they appeared on the campuses, whereby you would have questions from the floor, and a faculty supervisor there, and that those people would not come, would not be permitted to come, unless it appeared to some administrator or the administrative branch, chancellor, or what it was, that they had something to give to the students, if that were done, then you would favor repeal of the Speaker Ban Law?

Senator Morgan: Mr. Zollicoffer, if it were done in keeping with our statement. I did not hear the testimony this morning, and I would want to have some assurance of the feelings of the Trustees with regard to inviting them to the college, as I think our Trustees have given you their feeling. I would want to have some assurance that it would not be a frequent occurrence. Senator Hanes has said that if Krushchev should come to America, then I can conceive of possibilities when it would be to our advantage to do it; but just to say indiscriminately appear, no.

Representative Zollicoffer: Well, appear only when they could offer something in the way of education, or knowledge that the administrators of the school thought was in the best interest of educating the students there?

Senator Morgan: Yes, if there were some assurance that those regulations-- and the administrators felt keenly about it. Now, if the administrators, frankly, Gus felt that they should be allowed to come, whenever invited then I think the legislature would be cautious on that matter, and there again, I am speaking personally.

Representative Zollicoffer: You stated that--I guess this is in line with it--that the people had to regain their confidence in the Boards of Trustees

that run the various State-supported schools, and do you think they have confidence in the Board at East Carolina?

Senator Morgan: I would hope so, Mr. Zollicoffer. We met; we discussed this matter openly, and we had a rather prolonged and lively discussion, and I believe that if the public had been looking on our Board meeting that they would have confidence in the Board.

Representative Zollicoffer: What I am trying to get at is how are we to determine when they've got confidence in the Board of Trustees at Appalachian, West Carolina, the University? When can we say, "Well, the public's now got confidence in this Board."

Senator Morgan: Examine the record and see if the Boards have spoken out on it; see if they have taken the position.

Representative Zollicoffer: In other words, if they just take a position that say "If you will give us this authority back, we will regulate any of these people that come and we won't have them unless we think they can add to the educational qualities of our institutions "then you would be in favor of repealing it.

Senator Morgan: Well, you should not just take a position, I wouldn't say that. You are going to study their position.

Representative Zollicoffer: I want to know what to study, what to look for.

Senator Morgan: Mr. Zollicoffer, I will make this statement to you. You had Boards here today, statements of Boards who have never adopted any policies. I think that this Commission, I believe that the members of the Legislature, and the general public would like to hear the Boards make, see what their statements and proposed plans, are. That's all, I think, how can you judge what disposition the Board might have unless they are going to take a stand?

Representative Zollicoffer: What I'm trying to get at is what position should they have to take for us to say, "Well, now, they've built up themselves in the eyes of the public." If they adopt the same thing that you've done, then in your opinion they have built themselves up in the eyes of the public?

Senator Morgan: Yes.

Representative Zollicoffer: If they adopt less than that, how much less? When we conceive or say that they've now built themselves up in the eyes of the public because you stated to us here a real, a possibility?

Senator Morgan: I think, Mr. Zollicoffer, as an experienced Legislator, you and the other members of this Commission could study their actions, and I believe you could judge what the feeling of the people and the Legislature would be.

Representative Zollicoffer: And when we were satisfied to this, then you think the Legislature would go along and you would recommend the repealing of this law?

Senator Morgan: When you were satisfied, if you were satisfied of it, I think you'd be justified in making such recommendation to the General Assembly, and then it would be for them to study; and knowing you as I do, I think if this Commission were satisfied, I would be inclined to be satisfied without making any binding statements, excuse me.

Dr. Jenkins: May I make on comment on your question, Mr. Zollicoffer. I think we've got to recognize the fact that the atmosphere has changed--our Boards of Trustees, I think have got religion, as a result of all of this.

Past practices may well be different from those of the future. I think it would be a rather dull Board in any of the colleges today who would not recognize that something has happened, that they must be vitally concerned with the internal operation of the college. I believe the Legislature will have to take into consideration that entire change, that great experience that has been ours over the last two years, and you are more experienced than I am at that. But don't you think that's a possibility?

Chairman Britt: Senator Kirby has one more question.

Senator Kirby: Senator Morgan, let's be specific if we can. Are we speaking of any Board except the University of North Carolina Board?

Senator Morgan: Senator Kirby, I do not know. I would be frank to say that I do have reference to the University Board, for this reason. As I understood the testimony this afternoon, the Executive Committee adopted a statement, but not the Board of Trustees. Now, I am frank to say also, Senator, that in my Fourth of July speech I classed, I put myself among the other Trustees who had not been sufficiently alert although we thought at East Carolina-- and we know that we have had no problem--but until this Committee asked us for the opinion of the Board, we had not presented it squarely to the Board; but when this Committee did do it, then we had a Board meeting, and it was presented squarely to the Board and the statement that President Jenkins had read to you is a statement that was adopted by the Board, not by me as Chairman, nor by Dr. Jenkins as President.

Senator Kirby: Then, is this the only statement of policy that you can conceive of that would allow us to get out of this wilderness we are in?

Senator Morgan: No, Senator Kirby. I said this was ours.

Senator Kirby: Well, can you give us a statement that would lead us out?

Senator Morgan: I think I related that earlier. I would want a statement of policy that would say that it was the feeling of the Board, or--this would be what I would want personally and as a member of the General Assembly-- that would say that it was the opinion of the Trustees that the appearance of communists on college campuses was not a necessary thing in order to teach about communism. I would want some feeling that generally that the Board did not approve of their appearances on the college campuses. I would not go so far as to say that one could never appear. I think certainly as I said to Senator Hanes, I can conceive of instances when they could appear, but I would want to know generally what the guide lines are.

Senator Kirby: Well, again, specifically, the recommendation made by the Executive Committee of the Board, as read this morning, I believe it was read to us, would not be sufficient; is that correct?

Senator Morgan: I did not hear that recommendation, Senator Kirby. I intended to, but I was in Court.

Mrs. Swindell: Here it is right here.

Senator Kirby: No, it couldn't have been there, it was very recent.

Chairman Britt: While you're finding that Senator Kirby I'll ask Colonel Joyner if he has any question to ask him.

Colonel Joyner: I have just one question, Senator Morgan. Did I understand from your answer to a prior question that you thought it should be a requirement that a Board of Trustees express its willingness in the event there was serious question as to the propriety of an invitation to a speaker,

that the problem should be passed on by the Board or by some delegated representative, or representatives of the Board?

Senator Morgan: Colonel, I'm sorry I didn't follow your question in its entirety.

Colonel Joyner: Did I understand, in answer to another question, that you thought this was also an essential of the Board's position, that if there arose among the administrators and the faculties a serious question as to the propriety of extending an invitation, say to Mr. "X", that problem should be referred to the Board or to some members delegated by the Board to act?

Senator Morgan: Not necessarily, Colonel. In fact, I can think of instances when that would not be practical, but I think it should be decided in accordance with guide lines maybe prescribed. I can see many instances when it would be difficult to do that.

Colonel Joyner: It would be difficult for me to see when it wouldn't be practical. Of course, the full Board couldn't but why wouldn't there be at least one or two members of the Board who would be readily available for such questions?

Senator Morgan: Well, I think that's true that would be, could be done very well. The thought I had in mind was suppose the whole Board--if your whole Board had to follow.

Colonel Joyner: I said delegated representatives of the Board.

Senator Morgan: Oh yes, well I would be willing to...

Colonel Joyner: That was really the thing I meant to emphasize. That's all.

Chairman Britt: I believe Senator Kirby has found the material you wanted to see.

Senator Kirby: Here's the material: "Third, in consultations with the University and with the Special Committee of the Board of Trustees aimed at securing remedy of the legislative restriction on speakers, agreement has been reached on proposed internal regulations to be recommended for adoption by the Board of Trustees following removal by the General Assembly of the restriction. The language of the proposed regulation is as follows: 'As a matter of precaution and to assure free and open discussion as essential to the safeguarding of free institutions, each Chancellor, when he considers it appropriate, will require any or all of the following: (a) That a meeting be chaired by an officer of the University or a ranking member of the faculty; (b) That speakers at the meeting be subject to questions from the audience; (c) That the opportunity be provided at the meeting or later to present speakers of different points of view.'" They are the three requirements, as I understand it. That would be the University proposal. Could you buy that proposal?

Senator Morgan: Senator Kirby, I would not be so presumptuous as to give my approval or disapproval of that statement without giving some careful study to it and more than hearing it read here. But I did not hear in that statement any requirement that it serve the educational purposes of the institution. Now I may not, that's why I would not be so presumptuous to pass on it at this time.

Senator Kirby: Well, I can tell you there's no such statement in there; would that be what you would base your refusal to go along with this proposal?

Senator Morgan: Senator there again, let me say again I would not be so presumptuous as to pass on the work of such distinguished gentlemen without giving more study to it, but my personal thought is that in order for them to appear it ought to serve the needs of the University or East Carolina, or other college, and serve some educational purpose.

Senator Kirby: Well, if we add number "(d)" here and say and it serves an educational purpose, can you take it then?

Senator, you make a right good cross examiner.

Senator Morgan: / Not without giving some thought and study to it. I would want that added, my off-hand opinion. But I am not about to express my opinion on the work of these able gentlemen without having more of the apparently background information contained in this book.

Senator Kirby: Well, can we say this, that the only proposal that you will approve is the one that has been approved by the Trustees of the Board of East Carolina College?

I think

Senator Morgan: Senator Kirby, / emphatically no. I so stated, I stated this was not the only proposal. This was the one that I would like to see, I would have to give thought to each proposal or let each proposal stand on its own merits.

Senator Kirby: In other words, you are not in a position to answer? Is that correct?

Senator Morgan: Senator Kirby, I think that I have answered very well. I would hope as an able lawyer and member of the Senate, you would not expect me to pass on the propriety of this amount of work without at least giving some thought and study to it.

Senator Kirby: Well, we've read about a half a page of that, so...

Senator Morgan: I am sure that those recommendations are based on information contained in about fifty or a hundred pages.

Senator Kirby: Very good.

Chairman Britt: Mr. Thornburg, you are recognized.

Representative Thornburg: I just have one or two questions, Senator Morgan. I think I understand from what has been said that East Carolina has no written policy regarding visiting speakers, that this is a statement of policy which was adopted unanimously by the Board of Trustees. Now, my question would be, has any thought been given to the proposal in the near future of a set of rules and regulations that might governing, might govern, the visiting speakers on East Carolina's campus?

Senator Morgan: Not as a Board. Dr. Jenkins and I have discussed some and there are some being formulated in the minds of several individual trustees.

Representative Thornburg: This is something that you are considering and a problem that you are going to approach?

Senator Morgan: In the future.

Representative Thornburg: Right.

Chairman Britt: Mr. Fisher any questions?

Rev. Fisher: Just one question to Dr. Jenkins. I assume that your student organizations--what is your policy in relation to your student organizations about inviting speakers to the campus?

Dr. Jenkins: The student organizations have faculty sponsors who are responsible to their own fellow faculty members and the faculty senate and to

the Administration. The responsibility would be on the advisor of the organization. If the speaker is a college-wide affair we have a faculty and student committee composed of faculty and students who establish the list of those invited for the entire year, and the best way to answer your question is the faculty advisor would have the responsibility there.

Chairman Britt: Mr. Meyers do you have any questions?

Mr. Meyers: No questions.

Chairman Britt: I'd like to say that we certainly appreciate the appearance of Dr. Jenkins and Senator Morgan on this program and while East Carolina is at the table, so to speak, I would also like to express my appreciation to Dr. Frank Adams of the faculty of that fine institution. Dr. Adams, will you stand please sir. Dr. Adams is President of the American Association of University Professors Chapter at East Carolina College, and in order to try to get the record completely straight, and in view of the certain discussions had at our last meeting, I asked Dr. Adams as just being one local chapter president if he would mind submitting his file in order that we might compare it with other files received from the National office of AAUP. He has cooperated with us in this respect and by so doing it has saved us considerable time to this Commission. Dr. Adams, I want to express my appreciation to you, sir. Gentlemen, thank you very much.

Mrs. Swindell: When was your policy adopted?

Dr. Jenkins: August 31st.

Mrs. Swindell: August the 31st? Thank you.

Chairman Britt: We now ask please that representatives of Elizabeth City State College to please come to the platform.

I recognize President Ridley of that institution.

President Walter Ridley: Chairman Britt, and Lady and Gentlemen of the Commission, I will take not more than three minutes since I think the issue before us, or the issue under discussion is considerably well aired, for today at least, but I will try to answer some of the questions that have come from you. We have, "Has or will the Speaker Ban Law injure our institution?" We have statements from faculty members indicating that this would cause them to consider severance of relationship with Elizabeth City State College in the event that accreditation were lost on account of this or any other factor. Second, we have had refusals to consider employment at Elizabeth City State College because of the Speaker Ban Law, specifically. Third, loss of accreditation would be severely detrimental to Elizabeth City State College; in fact, it would be more detrimental to our college and to other small colleges than it would be to large, well-known institutions. When, for example, our students go to the University of Southern California, where we do have a student who went and got his doctor's degree and is now on the faculty, they don't know anything about Elizabeth City State College, but they have a book, and the book has our accreditation written there and we have worked for this, and it would be very difficult for me, as an individual, or for members of the faculty at Elizabeth City State College, who have been underpaid--paid less than others in the State system according to their ranks and training--and who have come there, made some sacrifices in order to get accreditation, to let it go and still stay there, especially to let it go for no fault of our own. The Board of Trustees at Elizabeth City State College has passed a Resolution asking for the amendment or repeal of the Speaker Ban Law in order to restore to the Trustees the power to regulate this aspect of our college. This was done without a dissenting

vote. The Board of Trustees has discussed and felt that it should adopt regulations for any such appearances as might be found desirable in the future for any persons who would be under consideration with regard to the Speaker Ban Law. I would call to your attention the fact that this is the beginning of the seventy-fifth year at Elizabeth City State College. We are older than East Carolina. This is our seventy-fifth year, and I have looked and asked and made every kind of study that I could and I have never found that any communist was invited or appeared at this institution, and yet I understand that our Board of Trustees has its confidence shaken by the statements that are made here, and this is difficult for me to understand. I do not understand what they have done to have confidence that they can regulate communist speakers on the campus, that the confidence in this matter is shaken when in over seventy-five years there has not been one appearance. I would call your attention to the fact that an editorial appeared in a paper in Elizabeth City indicating that some communist had appeared on campus. I had not heard of it so I went to the editor and asked him who it was. He said he didn't know, he had heard it also. I want to make this statement that we hear statements of not every communist should be let in. We haven't done that. We are not asking for that. This is nothing; this is foreign to us. Restore the confidence of the people. Personally, I have great respect for the Board of Trustees at Elizabeth City, as I have for other institutions' Boards of Trustees, and I don't think one should be asked to restore something that he hasn't done anything to lose, and I want to defend the Boards, the right of the Boards of Trustees not to be found guilty until proved so, and I wish to call attention to the fact that I have sat and listened today at testimony, and I think most of the people were understanding, the people of North Carolina will understand the fact that I have not heard in all of the testimony given here any indication

that there has been any considerable business about communists appearing on the campuses in the State of North Carolina; at Elizabeth City, none; at East Carolina, none; at the University--some say so. Well, I don't know about the three that I read about at the University of North Carolina, but I know of one that was mentioned and has not been mentioned in the Committee was mentioned in the editorial in the newspaper at Elizabeth City--I inquired, and the man who suggested that he was there, I said to him, "I know you don't know because if you had known, you are a friend of our college, and you would have come and told me and protected me against it." This was the attitude that I had. I think, if anybody knows these communists, somebody should bring the evidence for it. I believe that we have good Boards of Trustees and they represent the people. I think there is an implication the Boards of Trustees do not represent the people. They are the people. They are selected by the person who is elected by the people to represent them in this State. They are the people. They are the representatives of the people, and I think we should restore to them their confidence^{by}, in some way, moving from this posture of questioning regarding their character and their actions, which actions, when studied, show no need for this.

Chairman Britt: Dr. Ridley do you think your Board would adopt a statement very similar to the one that was just read by East Carolina College?

President Ridley: I really didn't, there was so much, I don't remember the statement from East Carolina College. I don't have all the information about that statement. I would have remembered I think the one that was read that I thought was very clear that our Board has discussed and said it would be willing

to do what has been suggested among us, that these people be cleared that a senior member of the faculty or the Administration would chair the meeting,^{that} questions would be asked from the audience--or permitted from the audience--and that opposite points of view would be heard on the campus.

Chairman Britt: Any member of the Commission desire to ask Dr. Ridley a question? If not, Dr. Ridley we thank you very much, we appreciate your coming and your contribution to the work of this Commission.

President Ridley: I want to thank you for giving, I think, the institutions an opportunity to show that there has not been much communism, and we don't have to worry about it.

Chairman Britt: Thank you very much.

Chairman Britt: I now recognize the representative from Fayetteville State College, the fine President of that institution, Dr. Rudolph Jones. I'll say to members of the Commission that if he speaks for three minutes and you don't laugh, you have no sense of humor.

President Rudolph Jones: Mr. Chairman, Members of the Commission:

I appreciate the opportunity to appear before you today as a representative of Fayetteville State College. The Trustees of our College have not taken any formal action with regard to the Speaker Ban Law and no representative of the Board is appearing before you today. I did poll the members of the Board by mail and asked each one to check one of the five statements below:

1. ☐ I think the law should remain on the books as it is.
2. ☐ I think the law should be repealed leaving the matter as it was before the law was passed.
3. ☐ I think the law should be amended so as to require the governing boards of the various institutions to have definite regulations concerning visiting speakers.
4. ☐ I am undecided about the law.
5. ☐ Other (Explain)

The results of the poll showed two in favor of number one, five in favor of number two, four in favor of number three and one undecided.

The remainder of this statement is the opinion of the president and not necessarily the consensus of the Board of Trustees.

In a letter I received from Chairman Britt, I was requested to answer specifically two questions: (1) Has the Speaker Ban Law injured Fayetteville State College or will it probably injure it? (2) If so, why?

In answer to the first part of the first question I cannot say and give proof that the law has directly injured Fayetteville State College. I have had no teacher or other employee to resign giving the law as a reason; I have had

no prospective teacher or other employee refuse to accept an appointment giving this law as the reason. I do not know of any students who have transferred because of the law or any prospective students who have decided not to enter because of it.

The answer to the second part of the question "Will it probably injure your institution?" is quite different. In all likelihood it will injure Fayetteville State College and injure it to a great extent. The possibility of the loss of accreditation positively frightens me. Some of you who have been in the Legislature for several sessions know what a difficult time Fayetteville State had acquiring membership in the Southern Association. You know that it was a status gained only after the shedding almost literally of blood, sweat, and tears and I want you to know that when I say, "I do not want to lose accreditation," that is the understatement of the year.

I am sure you know that should Fayetteville State lose its accreditation our graduates will not receive the same recognition as graduates of larger and more well known institutions suffering the same loss. Our College would certainly not be as attractive to prospective students with high scholarship or to highly qualified prospective teachers. The only accreditation we have in a professional accrediting agency, that of the National Council for Accreditation of Teacher Education, would probably be in jeopardy since it is based on membership in the regional accrediting association.

I also feel that most of our nineteen faculty members who hold the earned doctorate would soon be seeking employment elsewhere should our college be removed from the accredited list.

I venture to say further that although we have not had protests from the faculty about academic freedom, after all this newspaper and TV coverage it

will probably be forthcoming.

What I have said so far pertains to results that will directly affect us should this law remain on the books. There is an indirect influence also which cannot be overlooked and that concerns the effect of the law on the Consolidated University. Fayetteville State is proud of the history and strong academic and cultural standing of the University of North Carolina. We look to the University for leadership and inspiration. We expect more and more of our teachers to study there. We expect an increasing number of our students to do graduate work in one of its branches. We expect the University to be a major source of consultants. We look forward to the use of its facilities, its faculties, and the services to guide and to help strengthen the academic program at Fayetteville. Therefore, if the University is weakened, if the University is injured, indirectly Fayetteville State is also injured. We cannot hope to have a weak university and a strong Fayetteville State College. The destiny of our institution is closely tied up with the destiny of the University and for me to think or to assume anything else would be unwise.

Finally, aside from accreditation, aside from academic freedom, aside from usurpation of the authority of the Trustees by the General Assembly, I would respectfully request the members of this Commission to consider whether or not this Speaker Ban Law is really necessary. It is thought by some that the statute of 1941 serves the same purpose. Personally, I cannot help but feel that the law is a reflection on the competence of the administration of Fayetteville State College. Does this law not really say that the President and Trustees at our college are fully competent to handle all the complex matters involved in the operation of the college except that of deciding who should and who should not speak on the campus? To me this is rather unusual to say the least. Thank you.

Chairman Britt: Dr. Jones, we appreciate your appearance. I'd say by way of explanation at the first that you and I have been friends for many years. I appreciate your sense of humor above most people, most everybody that I know. I enjoy the humor that you always displayed when you appeared before legislative committees and visitors at your fine institution. Any member of the Commission have a question of Dr. Rudolph Jones? If not, Dr. Jones, we excuse you, we appreciate your coming and your contribution to the work of this Commission. Thank you sir.

Chairman Britt: I now recognize the President of North Carolina College at Durham, and any member of his Board who might be present. This is President Massie of North Carolina College. And Dr. you will proceed with your presentation.

Dr. Samuel Massie: Thank you, Mr. Britt. Mr. Britt, Mrs. Swindell, Members of the Commission, Ladies and Gentlemen. I wish first to express the regrets that the Chairman of our Board could not be present. He had planned to appear today, but late last evening he became quite ill and could not come, and the lateness of his inability to come did not permit other officers of our Board to modify their plans and appear. They express their regrets. He had planned to come. However, I am authorized to state that while the Board has not officially adopted a Resolution on this subject, an informal poll conducted in April 1965 offered them three options: 1. outright repeal; 2. modification, placing of the control in the hands of Trustees of North Carolina College; and, 3. retention of the present law. The result showed that of the twelve members, eight favored modification; two, repeal; one, retention; and one did not express an opinion. Now, I wish to make a statement:

Mr. Britt, pursuant to your request, I bring to you the position of the faculty and administration of the North Carolina College at Durham with respect

to the "Speaker Ban Law."

From its beginning, North Carolina College has been dedicated to "Truth and Service." It has always taught its students to recognize, respect and understand Truth in order that they might better serve. The College has, therefore, sought to expose its students to a wide variety of experiences.

The College has recognized the need for regulations regarding outside speakers. In 1956, it adopted a resolution clearly insuring that speakers who advocate overthrow of federal, state, or local governments by subversive or violent means should not have the opportunity to speak at North Carolina College. I wanted to make sure you were aware that we have been aware of this problem.

Our faculty is blessed with inquiring and open minds. It is, therefore, not surprising that it is the almost unanimous opinion of our faculty that the law as presently constituted should be repealed. Over eighty percent favor outright repeal, while nearly nineteen percent would approve a regulation placing the problem in the hands of our wise Board of Trustees, and in line with what other speakers have said, it is my feeling that we have the twelve best, or/ best trustees of all, and they can quite adequately handle this problem.

I should like to make some comments that our faculty made with regard to this:

1. "The best defense against communism is an informed public with open ears. The Speaker Ban Law infringes on this vital role of education."
2. "It speaks very poorly for the quality of our colleges if we must forbid people from speaking to students."
3. "The control of the activities and policies belong to the trustees, administration and faculty of the colleges." And the fourth quote I should like to make:
4. "I would like to see all speakers permitted to come to state facilities to talk about non-political subjects in order to further the advancement and sharing of knowledge."

Now, Mr. Britt, with respect to the specific questions that you asked me, I gave this as a background. During the past two years, the "Speaker Ban Law" has been of concern to North Carolina College in terms of some of the speakers sought. However, as our students and faculty rightly expand their interest in world affairs, indications are that this ban would be of even greater concern.

In certain non-political areas, such as the sciences, which we are rapidly strengthening to meet the needs of a growing Research Triangle area, this could be a very serious problem.

Now, in common with other colleges who have spoken today any action which affects accreditation, recruitment of faculty, ability of students to enter graduate school is of serious concern. Therefore, on behalf of the faculty and administration of the North Carolina College, and speaking personally, I would respectfully request that consideration be given to the repeal of the bill. If, however, the bill cannot be repealed, then the problem should be placed in the hands of our wise and understanding Board of Trustees. We have had very good success with the speakers who have appeared on our campus. Thank you.

Chairman Britt: Thank you very much. Are there any questions of President Massie? If not, we excuse you, sir, and appreciate your coming.

Now, I recognize the President of Pembroke State College, located upon the sacred soil of Robeson County. I present President English Jones of Pembroke State College.

President Jones: Chairman Britt, Members of the Commission, first of all I want to state that I have no brief today for two reasons. I didn't think it was worth writing down, and, second, I didn't think it would be worth your time to read it so I just didn't bother to write it. Now, if you want it, I will be

glad to go home and throw something together and bring it back or send it back. Another thing I did before I left home, I indicated to my family that I was going to come here and be absolutely truthful, and I intend to do that. Most of my colleagues have said of course and expressed their great pleasure in being here. I am not sure whether that's at all true in my case. I can think of a lot of places where I'd rather be. I feel a little bit like a monkey on a string sitting up here anyway. I asked the Chairman of my Board to come, and he said that the catalpa worms were beginning to crawl so he thought possibly he would rather be in one of those local Robeson County ponds, and I guess that's where he is. But, in all sincerity, relative to your questions, question (1)"Has the Speaker Ban Law injured Pembroke State College?" Now, this is difficult to answer. But from all the information which I have been able to gather, my personal opinion is that the Speaker Ban Law has not hurt Pembroke State College, and I can give one example of what I think is pretty concrete. We have added forty-three professors since May 1. Of the forty-three professors we added, 44% has the Ph.D. degree. Not one single person of the forty-three people interviewed even asked one single question relative to the Speaker Ban Law. Why these questions didn't come, I do not know. I personally sat in on thirty-nine of these interviews and no questions were asked. We have had no professors whatsoever to indicate they would leave the institution if accreditation had been lost. I might say in passing that Pembroke State College has gone through quite a transition in the last few years. You in the Legislature know this very well. Mr. Britt, being a member of the Legislature from our county is fully aware of our growth. Nine years ago, we had 135 students. Today, we have 1,400 applications already processed and accepted. We had fifteen members on our faculty. Now we have 86. We had an operating budget of less than \$90,000. Our annual operating budget now

is something in excess of million and a half. Our total campus was evaluated at something less than a million dollars; and, of course, with the present building program, it will exceed six million. Thirty-four percent, forty-two percent of our faculty has the earned doctor's degree. Now, this is all based on the present effect of what has happened as of right now. What will probably happen? What about the injury to the institution? Well, there's a million "if's" tied around this, and there are so many "if's" tied around it I am in no position to say. If the Southern Association should act or if some other agency should act, I am just in no position to say what would happen. I do not feel, however, that the institution would be in a favorable position if we were to lose accreditation. I will admit readily that our problems are not the same problems which confront the University System simply because we are looking for the same services; but the services that I am able to find in the University System, the University System is not able to find on my campus. So, therefore, we can't set up a system of reciprocity whereby we can aid each other mutually in this respect. We feel that we have been educating a number of students at Pembroke State College. Seventy-seven percent of our graduates this year received teacher certificates, and we feel that we have educated a number of these students who are now gone into the State and the Nation and throughout the world making a real contribution, and yet we have not had to leave North Carolina to find good resources in order to get the job done. We rely heavily on the University System, their faculties, and on the faculties of the graduate divisions of other State-supported institutions in order that we might get the people we need to help us in doing the job we are trying to do. So, we have been extremely fortunate, and we do not face the problem. So, therefore, I am saying that if the University System will adopt

the old slogan that "I am my brother's keeper," then Pembroke State College is going to be in a good position for some time to come, because I do not believe that we are going to go wrong as long as we keep our program at home as we are keeping it now pretty much, and I am not saying that these people don't have a place, these visiting speakers, and I am certainly not here to indicate to you today what I think you ought to do. I made a statement some long time ago, and I will be very honest with you. I have been somewhat bothered by the persistency of some groups and individuals, even after this Commission was appointed by the Governor out of good conscience to do a good and considerable job, in dealing with this situation, and it seems that there has been a terrific amount of pressure, if you want to call it that, from a number of sources, and I would love to see the Commission be absolutely free in your deliberation and that you would come up, and I am sure that, being distinguished as you are, that you will come up with the best thing to do for the State Colleges, and the University System in North Carolina. Mr. Britt, I believe that's all I have to say, and I appreciate the opportunity.

Chairman Britt: Any question of President Jones? If not we excuse ...

Senator Kirby: Just one quick question. Doctor, where did you get these forty-four Ph.D's from, please sir?

Dr. Jones: We have employed forty-four percent of these are Ph.D's and we secured them in twenty-two different States.

Chairman Britt: Thank you very much.

Dr. Jones: In fact, the forty-three professors represents forty or thirty-seven different universities.

Chairman Britt: Thank you very much, President Jones. We appreciate your coming.

We now recognize President Paul Reid of Western Carolina College, who will come forward and make a presentation for that institution. It might be appropriate, President Reid, to have the gentleman from Jackson to sit beside of you over there but

Dr. Reid: Mr. Chairman, Mrs. Swindell, and Members of the Commission, let me explain in the beginning that our Chairman of the Board of Trustees was unable to make this trip, so I am here on this occasion away from the extreme mountain region alone, and I am delighted that good friend, Lacy, is down here to give me moral support.

Chairman Britt: Alone, but not unsupported. Do you have a prepared statement...

Dr. Reid: I certainly do.

Chairman Britt: to pass around. President Reid, if you'll hand it to Senator Hanes he'll pass them on down.

Dr. Reid: Mr. Chairman, this statement is very brief, and, we hope, right to the point of that which you outlined in your letter. As requested in your letter of August 13, 1965, I appear before you to present the views of Western Carolina College on the Speaker Ban Law. The position of the Board of Trustees and the President is as follows:

The responsibility for the appearance of speakers on the campus of Western Carolina College should be one of determination by the Board of Trustees and the head of the institution.

Specifically, in your letter of August 13, you asked, "Has the Speaker Ban Law injured your institution...?"

There is no measurable damage but there is some uneasiness and apprehension because of the law. The law has had some attention but it has not been a burning issue on the campus.

Another specific question in your letter of August 13, "...will it probably injure your institution?" "If so, why?"

We at the college are very fearful that the law will injure the institution by reason of these factors:

1. Interference with the internal operation of the institution by removing from the Board of Trustees one of its proper functions.
2. Infringement upon a basic freedom so essential on college campuses in a democratic society.
3. Possibility of loss of accreditation.
4. Lower morale from faculty and staff resulting from uneasiness and apprehension relating to accreditation and other possible infringements.
5. Difficulty of recruiting staff under the handicaps imposed by the implications of the law.

In conclusion, let me emphasize the fact that the Western Carolina College campus and the college community have been exceptionally fortunate in their freedom from extremist groups and actions. Up to now, extremists have either ignored our remote mountain community, or else they have found the environment inhospitable; at any rate, we have experienced no student or faculty outbursts, nor has our campus harbored any known organized Communist activity. The administration, faculty and student body have functioned in the best Democratic tradition. They have striven to live and teach and learn in the

best Tar Heel tradition.

Please permit me to state that I am completely in sympathy with the motivation of those legislators and other citizens who desire to protect our institutions from Communist influences and attacks; however, we believe the control of visiting speakers at Western Carolina College should be left with the Board of Trustees and the head of the institution.

Mr. Chairman, that concludes my statement.

Chairman Britt: Thank you very much, Dr. Reid. Any member of the Commission desire to ask Dr. Reid a question? If not, we excuse you, sir with our appreciation for coming a long way.

Dr. Reid: Thank you.

Chairman Britt: At this time we ask the representative of Wilmington College to please come forward. I recognize President Randall of that fine institution and a member of his Board. Go right ahead Dr. Randall.

Dr. William M. Randall: Mr. Chairman and Members of the Commission, I'd like to introduce the Vice-Chairman of our Board of Trustees, Mr. Tillery, who will speak for the Trustees. I would like to give material answer to your two questions, Mr. Chairman.

The Speaker Ban Law has not materially affected Wilmington College thus far, except as it must have affected, I believe, all state institutions of higher education in North Carolina. Now, I am sure, as must be all thoughtful persons, that in enacting this law the members of the General Assembly of 1963 were motivated by the highest patriotic principles, and that no injurious effects were foreseen. Nevertheless, such effects have resulted. They may be described as a general feeling of regret and uneasiness among faculty members and students alike. The regret is engendered by the apparent belief of the citizens

of North Carolina as expressed by their elected representatives that the appointed governing boards of the colleges are incapable or unwilling to protect the institutions under their care from subversive influences, and that the students in these colleges who have been educated in our fine public schools are, despite this education, so immature in their thinking that they would fall prey to subversive propaganda. The uneasiness stems from the thought that, if the people believe the governing boards remiss in this most important matter, they may also come to believe that they are incapable in others, and that we may end with a complete governmental control of educational policy and content similar to that in the totalitarian countries.

Now, as to the future, much depends on the action of our accrediting agency. Wilmington College is a new four-year institution. One of our greatest problems is that of upgrading our faculty from that of a first-class junior college to that of a senior institution. This means going into the academic market place and endeavoring to employ teachers with the highest qualifications. In this, we have been thus far successful. But if the College loses its accreditation or is placed on probation, the task of attracting highly competent faculty members, already difficult because of the scarcity of such individuals, will become much more difficult. For reasons which are self-evident, a person of high academic attainment, given the choice, and with other considerations such as salary, tenure, retirement policy and the like being equal, will inevitably choose to teach in an accredited college. And for the same reasons, students faced with the choice of attending an accredited college, the academic credits of which will be accepted without question, or a non-accredited college, will choose the former. Thus, not

immediately, but slowly and inevitably our state institutions of higher education will become less than first-class with respect to both faculty and students.

In addition, Wilmington College is now preparing applications for federal funds to supplement the generous appropriations of the 1965 General Assembly for capital improvements. Disaccreditation by the Southern Association is not a complete bar to the granting of these funds, since the law states that declaration from three accredited colleges that our academic credits will be accepted may be substituted for formal accreditation. I would hope that the present academic reputation of Wilmington College would make it possible to obtain such letters if they are needed. However, this will not be as likely as in the case of longer-established four-year institutions. No one can possibly foresee what the effect of disaccreditation will have on the academic community as a whole.

Chairman Britt: Thank you Dr. Randall. Mr. Tillery, we now recognize you, sir.

Mr. L. Bradford Tillery: Thank you, sir. Mr. Chairman and members of the Commission:

The Commission has called upon the Chairman of the Board of Trustees of Wilmington College to give answer to two specific questions. Since the untimely death of Dr. John T. Hoggard, Chairman of our Board, a few weeks ago, we have not re-organized. I, therefore, speak as Vice Chairman and wish to make the following statement which I am authorized to say is the composite thinking of the Board in attempting to give factual and useful responses to the questions posed.

1. Has the so-called Speaker Ban Law injured Wilmington College prior to this time?

No.

2. Will it probably injure Wilmington College in the future?

The Board foresees the following possible areas of injury:

1. Loss of morale and initiative on the part of Trustees and College Administrators as a result of being deprived of authority and responsibility which has been traditionally theirs.

2. Loss of accreditation with resultant loss of prestige in the eyes of students and faculty and loss of access to programs which receive Federal funds.

3. Difficulty in attracting outstanding students and faculty members who will tend to prefer colleges and universities where control is fully vested in the Trustees.

The Trustees believe, and wish to publicly so state, that the General Assembly did not intend, in the passage of this legislation, to encroach upon the freedom of campus control which has traditionally been reserved to the Trustees. By the same token, the Trustees wish to affirm to this Commission, to the General Assembly and to the people of North Carolina, that it is and always has been and always will be the firm resolve of the Trustees to preserve the properties and programs of Wilmington College against the intrusions of subversive elements, whether Communist or otherwise.

Chairman Britt: Thank you very much, Mr. Tillery. Any statements, any question by any member of the Commission? If not, we excuse you gentlemen and certainly appreciate your coming.

I recognize at this time the President of Elizabeth, I mean of Winston-Salem State College, who will come forward and make his presentation, this being the last member of our family of colleges in North Carolina and President Kenneth Williams of that institution.

Dr. Kenneth Williams: Mr. Chairman and Members of the Commission, the Chairman of our Board, Mr. Winfield Blackwell, planned to come down today but was not able to do so because of a shift in court schedule. He did say to me that if he could "shift the shift" he would come later, but apparently he wasn't able to do that.

The brief statement which I shall make will be limited to an attempt to answer the questions raised in Mr. Britt's letter dated August 13, 1965. These questions were: (1) "Has the Speaker Ban Law injured your institution or will it probably injure your institution?" and (2) "If so, why?"

An institution under normal circumstances, is thought of as having been injured when its reputation for quality education has been questioned or lost; when it fails to hold its most qualified faculty members and finds it difficult, if not impossible, to employ new people with superior training, experience and reputation; when it can no longer attract qualified students and begins to lose those it has had, and when it cannot give strong financial support to a sound educational program.

I shall mention first the apparent effect of the Speaker Ban Law on Winston-Salem State College in the areas mentioned above. We have not, as yet, lost any of our faculty members because of the law. It is true that we have not been able to attract several outstanding people whom we desired to have become members of our staff but not one, to the best of my knowledge, refused our employment because of the existence of the Speaker Ban Law. We have in our in-coming freshman class students of whom we are justly proud. We have very limited, almost non-existent funds for scholarships and are now in competition with colleges and universities all over the country for students and yet, the records of our in-coming freshmen students will indicate that most of them did exceedingly well in high school. We have not lost, to my knowledge,

any students because of the Speaker Ban Law. Winston-Salem State College has not had at any time sufficient funds to do all that it wanted to do with its educational program, but I cannot say with honesty that it has encountered more than the usual difficulty in securing funds because of the law. Our financial picture looks brighter at this time than it has looked in the past. All of this makes perfectly clear, however, one thing of great significance which is a source of much concern to us at the present time. An institution may be injured in many ways which are not considered by the average person who looks for signs of injury only in the obvious effect on the educational program, the faculty, students and finances. Severe injury may be done to an institution if anything is done to weaken the confidence in its Governing Board or the Administration. Winston-Salem State College, like every other institution of higher learning supported by the State, has been injured to the extent that the general public has read the implication in the law, that its Governing Board may fail to protect the best interests of its faculty or students or the best interests of the people of North Carolina. If the law has aroused fears and suspicions in the minds of the people, then the College has been injured.

In the early 1930's, as is so well known, the Communists made an all out effort to attract American Negroes to their beliefs. They failed. If the Communists had failed as miserably in all of their efforts as they did in this carefully designed plan, all of us would be able to take great pride in the peace that would prevail in the world today. They sought to infiltrate the faculties of Negro colleges and got nowhere. They tried to join organizations controlled by Negroes and got nowhere. As was to be expected this failure did not quench their enthusiasm, they are trying even to this day but are getting nowhere.

During the last half of the decade of the 40's and the early part of the succeeding decade, the City of Winston-Salem had its own unique experience. There was an overt attempt to organize a strong Communist cell in the community. The plan was, from all indications, to make this prosperous and industrious town the rallying point for Communist activities in the South. The appeal again was to the Negro community and the Negro community repudiated the whole thing.

I have mentioned these things in an attempt to make clear that for the last thirty years Winston-Salem State College easily could have become involved, as all of its sister institutions could have, in questionable activities and ideologies. The significant fact is, however, that it has not and the others have not become involved. The Governing Boards and leaders of our institution from 1892, the date of its founding, have followed consistently a policy designed to inspire confidence in and loyalty to the best traditions of American democracy. I assure you there is no plan other than to continue in this tradition.

"Will the law probably injure your institution?" The answer is an unequivocal yes. We must assume that the general public will conclude that if it is an accepted fact that those who are responsible for an institution fail to live up to their responsibility in one area they must be watched with the greatest care and directed for it will be only a matter of time before they begin to fail in other areas. The inevitable result of such a conclusion is chaos.

Winston-Salem State College is a small developing institution. We anticipate an enrollment of approximately 1300 students for the 1965-66 term. We think that we have a very special and unique service to render to the State

of North Carolina. May I say, in all modesty, that it is my sincere and firm belief that no one can or will perform that service better than the dedicated people we have at Winston-Salem State College. This includes certainly, the members of the Board of Trustees, all of whom have shown a willingness to do everything in their power to protect the interests of the people of North Carolina. Nothing could be more damaging to our College, its students or the faculty, than for the institution to lose accreditation.

Chairman Britt: Thank you very much, Dr. Williams. Any member of the Commission desire to ask any questions? If not, we excuse you, sir, with our appreciation for coming down and sharing with us this statement to the Commission.

Dr. Williams: Thank you.

Chairman Britt: Members of the Commission, we will now adjourn until ten o'clock tomorrow morning, at which time we will crank up promptly on the hour.

